

CITY OF VALLEY CENTER

FINAL AGENDA

December 16, 2010

THE CITY COUNCIL SHALL HOLD ITS REGULAR MEETINGS IN THE COUNCIL CHAMBER
IN THE CITY HALL, LOCATED AT 121 S. MERIDIAN, BEGINNING AT 7:00 P.M.

December 21, 2010

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **INVOCATION: MINISTERIAL ALLIANCE**
4. **PLEDGE OF ALLEGIANCE**
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15 GOVERNING BODY REPORTS p 113

16. ADJOURN

All items listed on this agenda are potential action items unless otherwise noted. The agenda may be modified or changed at the meeting without prior notice.

At anytime during the regular City Council meeting, the City Council may meet in executive session for consultation concerning several matters (real estate, litigation, not-elected personnel and security).

This is an open meeting, open to the public, subject to the Kansas Open Meetings Act (KOMA). The City of Valley Center is committed to providing reasonable accommodations for persons with disabilities upon request of the individual. Individuals with disabilities requiring an accommodation to attend the meeting should contact the City Clerk in a timely manner, at cityclerk@valleycenter-ks.org or by phone at (316)755-7310.

For Additional information on any item on the agenda, please visit www.valleycenter-ks.org or call (316) 755-7310.

APPROVAL OF AGENDA

RECOMMENDED ACTION:

Staff recommends motion to approve the agenda as presented / amended.

CLERK'S AGENDA

A. MINUTES:

Attached are the Minutes from the meeting of December 7, 2010 Regular Council Meeting as prepared by the City Clerk.

RECOMMENDED ACTION:

Staff recommends motion to approve the December 7, 2010 Regular Council Meeting Minutes as presented / amended

REGULAR COUNCIL MEETING
DECEMBER 7, 2010
CITY HALL
121 S. MERIDIAN

Mayor McNown called the meeting to order at 7:00 p.m. with the following members present: Kate Jackson, Marci Maschino, Cheryl Nordstedt, Bruce Campbell, Lou Cicirello, Harrison Gerling, Al Hobson and Lionel Jackson.

Members absent: None

Staff Present: Joel Pile, City Administrator
Kristine Polian, City Clerk
Richard Dunn, City Superintendent
Lonnie Tormey, Fire Chief
Mark Hephner, Police Chief
Neal Owings, Parks Superintendent
Eldon Miller, Community Development Officer
Mike Kelsey, City Engineer

Press present: The Ark Valley News

APPROVAL OF THE AGENDA

Cicirello moved, second by Hobson, to approve the Agenda as presented. Vote yea: unanimous. Motion carried.

CLERK'S AGENDA

MINUTES- NOVEMBER 16, 2010 REGULAR COUNCIL MEETING

Hobson moved, second by Nordstedt, to approve the Minutes from the November 16, 2010 Regular Council Meeting as presented. Vote yea: unanimous. Motion carried.

APPROPRIATION ORDINANCE- 12/07/10

Hobson moved, second by L. Jackson, to approve Appropriation Ordinance No. 12/07/10 as presented. Vote yea: unanimous. Motion carried.

OLD BUSINESS

ORDINANCE 1217-10- AMENDMENT TO CITY CODE RE: WATER RATES, 2ND READING

Nordstedt moved, second by Maschino, to adopt Ordinance 1217-10, amending Title 12 of the Valley Center, Kansas Municipal Code by amending Chapter 12.08, "Water Rates", for 2nd Reading.

DANGEROUS STRUCTURE, FENCE AT 7055 N. CLARENCE, J. WINTER

Justin Winter presented a letter from his Engineer that stated the fence was structurally sound.

Hobson moved to hire an independent Engineer to inspect the fence at 7055 N. Clarence. Motion died for lack of second.

Nordstedt moved, second by Campbell, to adopt a finding that the owner has completed the fence. Vote yea: K. Jackson, Nordstedt, Campbell, Cicirello, Gerling and L. Jackson. Opposed: Maschino and Hobson. Motion carried.

NEW BUSINESS

CONSENT ANNEXATION ORDINANCE

Maschino moved, second by Cicirello, to adopt Ordinance 1222-10, annexing certain property into the City of Valley Center for 1st Reading. Vote yea: unanimous. Motion carried.

CONSENT AGENDA

Cicirello moved, second by Maschino, to approve the Consent Agenda as presented. Vote yea: unanimous. Motion carried.

STAFF REPORTS

COMMUNITY DEVELOPMENT OFFICER

Stated he had provided a flier from FEMA that describes a Community Rating System for which the City can apply. Being a part of the program provides residents with a discount on their flood insurance. Asked the Council to read over the flier so it can be discussed further at the next Council meeting.

Campbell asked about the drainage at the new ball field the school was building.

City Engineer Kelsey stated the issue was very minor and that he and Miller were meeting with the project Engineer the following day to discuss the issue.

Cicirello stated he is concerned the bright lights will be a problem for the residents located near the field.

CITY ADMINISTRATOR PILE

Said he and Neal Owings are currently working on opening up a few cemetery lots to accommodate those individuals that need to bury someone immediately. In addition, he is working with P.E.C. to obtain a design contract for the cemetery road to be presented at the next Council meeting. Pile also said he needs input from the Council regarding the Valley Center Animal League's request that the City and a new Veterinarian in town partner to build an animal shelter. The animal shelter will be located in the warehouse portion of the building the Veterinarian is purchasing. The City would be responsible for renovating the warehouse into an animal shelter.

Councilmember Nordstedt asked if the agreement with Wichita was working well and if the proposed animal shelter location was going to upset surrounding residents.

Pile stated the agreement with Wichita is working well and that the location of the animal shelter is in a commercially zoned area.

Mayor McNown expressed concerns about the possibility of the Veterinarian either expanding to another facility or closing her doors and what the City would do in that case.

Councilmember Gerling stated he thought this might be a viable option, given it is a far less expensive option than any other option that has been presented.

Council consensus is to move forward in gathering information on specifics of the proposed animal shelter.

GOVERNING BODY REPORTS

MAYOR MCNOWN

Reminded everyone of upcoming Holiday party.

COUNCILMEMBER NORDSTEDT

Thanked Public Works Department for fixing the sign in front of the Public Safety Building. Also stated how appreciative she is with the Senior Center and how well Cathy Sexton has been doing with the program.

COUNCILMEMBER CAMPBELL

Thanked Staff for their work on the cemetery road.

L. Jackson moved, second by Maschino, to adjourn the meeting. Vote yea: unanimous. Motion carried.

Meeting adjourned at 7:40 p.m.

Kristine Polian, City Clerk

CLERK'S AGENDA

B. APPROPRIATION ORDINANCE:

Below is the proposed Appropriation Ordinance for December 21, 2010 as prepared by City Staff.

[December 21, 2010 Appropriation](#)

Expenses	<u>\$ 193,090.16</u>
Total	\$ 193,090.16

RECOMMENDED ACTION:

Staff recommends motion to approve the December 21, 2010 Appropriation Ordinance as presented / amended.

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT_
A T & T	11/25/10 DATA & PH SVCS	GENERAL FUND	EMERGENCY COMMUNICATIO	320.40
	11/25/10 DATA & PH SVCS	GENERAL FUND	EMERGENCY COMMUNICATIO	74.65
	11/25/10 DATA & PH SVCS	WATER OPERATING	NON-DEPARTMENTAL	74.65
	11/25/10 DATA & PH SVCS	WATER OPERATING	NON-DEPARTMENTAL	149.30
	11/25/10 DATA & PH SVCS	WATER OPERATING	NON-DEPARTMENTAL	299.66_
	TOTAL:			918.66
A T & T KANSAS	11/9-12/3/10 PH/DATA SVCS	GENERAL FUND	ADMINISTRATION	259.80
	11/9-12/3/10 PH/DATA SVCS	GENERAL FUND	LEGAL & MUNICIPAL COUR	34.12
	11/9-12/3/10 PH/DATA SVCS	GENERAL FUND	POLICE	208.54
	11/9-12/3/10 PH/DATA SVCS	GENERAL FUND	FIRE	33.14
	11/9-12/3/10 PH/DATA SVCS	GENERAL FUND	EMERGENCY COMMUNICATIO	180.41
	11/9-12/3/10 INTERNE	GENERAL FUND	PARKS AND PUBLIC GROUN	65.00
	11/9-12/3/10 PH/DATA SVCS	GENERAL FUND	PARKS AND PUBLIC GROUN	52.24
	11/9-12/3/10 PHONE	WATER OPERATING	NON-DEPARTMENTAL	40.01
	11/9-12/3/10 PHONE	WATER OPERATING	NON-DEPARTMENTAL	34.96
	11/9-12/3/10 PH/DATA SVCS	WATER OPERATING	NON-DEPARTMENTAL	132.48
	11/9-12/3/10 PH/DATA SVCS	SEWER OPERATING	NON-DEPARTMENTAL	186.45_
	TOTAL:			1,227.15
	ADMIN PRO	12/2010 FSA ADMIN/DB CRD	GENERAL FUND	ADMINISTRATION	136.50_
TOTAL:				136.50
AFLAC	PW002502-ACCIDENT	GENERAL FUND	NON-DEPARTMENTAL	35.36
	PV184033-ACCIDENT	GENERAL FUND	NON-DEPARTMENTAL	43.30
	P6996294-ACCIDENT	GENERAL FUND	NON-DEPARTMENTAL	32.20
	PU215449-ACCIDENT	GENERAL FUND	NON-DEPARTMENTAL	24.10
	PV184034-DISABILITY	GENERAL FUND	NON-DEPARTMENTAL	39.40
	PU342670-DISABILITY	GENERAL FUND	NON-DEPARTMENTAL	37.96
	PU215450-CANCER	GENERAL FUND	NON-DEPARTMENTAL	32.11
	PJ720568-ACCIDENT	SPECIAL HIGHWAY	NON-DEPARTMENTAL	24.10
	PJ720569-CANCER	SPECIAL HIGHWAY	NON-DEPARTMENTAL	22.70
	P6996300-ACCIDENT	WATER OPERATING	NON-DEPARTMENTAL	26.20_
	TOTAL:			317.43
ALL AMERICAN ADMINISTRATORS	LY0053572L-CANCER	GENERAL FUND	NON-DEPARTMENTAL	27.94
	LY0053573L-CANCER	GENERAL FUND	NON-DEPARTMENTAL	27.94
	LY0054799L-ACCIDENT	GENERAL FUND	NON-DEPARTMENTAL	12.70
	LY0054783L-ACCIDENT	GENERAL FUND	NON-DEPARTMENTAL	12.70_
TOTAL:			81.28	
ANDALE FARMERS CO-OP	53.65%	GENERAL FUND	POLICE	3,480.76
	13.58%	GENERAL FUND	FIRE	645.92
	1.33%	GENERAL FUND	FIRE	86.41
	7.15%	GENERAL FUND	PARKS AND PUBLIC GROUN	340.12
	8.64%	GENERAL FUND	PARKS AND PUBLIC GROUN	560.49
	2.65%	GENERAL FUND	ENVIRONMENTAL SERVICES	171.76
	31.42%	EQUIPMENT RESERVE	NON-DEPARTMENTAL	1,494.92
	4.70%	EQUIPMENT RESERVE	NON-DEPARTMENTAL	304.98
	47.85%	SPECIAL HIGHWAY	SPECIAL HIGHWAY	2,276.83
	29.04%	WATER OPERATING	NON-DEPARTMENTAL	1,884.10_
TOTAL:			11,246.29	
ARK VALLEY NEWS	ORD 1216-10 PUB NOT	GENERAL FUND	ADMINISTRATION	608.84
	ORD NO. 1218-10 11/4	GENERAL FUND	ADMINISTRATION	128.32
	ORD NO. 1219-10 11/4	GENERAL FUND	ADMINISTRATION	127.04

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT_
	VETERANS PROGRAM	GENERAL FUND	COMMUNITY DEVELOPMENT	415.00
	OFFICIAL ZONING NOT	GENERAL FUND	COMMUNITY DEVELOPMENT	46.08
	PUD-2010-003 ZONING	GENERAL FUND	COMMUNITY DEVELOPMENT	77.92
	VETERANS PRGM 11/6	GENERAL FUND	COMMUNITY DEVELOPMENT	59.00
	ORD NO. 1220-10 25%	CAPITAL PROJECTS F	RIDGEFIELD - WATER	78.72
	ORD NO. 1220-10 25%	CAPITAL PROJECTS F	RIDGEFIELD - STREETS	78.72
	ORD NO. 1220-10 25%	CAPITAL PROJECTS F	RIDGEFIELD SEWER	78.72
	ORD NO. 1220-10 25%	CAPITAL PROJECTS F	RIDGEFIELD STORMWATER	78.72
	77TH BRIDGE CLOSING	CAPITAL PROJECTS F	77th STREET BRIDGE	52.80_
			TOTAL:	1,829.88
ASSESSMENT STRATEGIES.LLC	11/9/10 EMP TESTING	GENERAL FUND	POLICE	150.00_
			TOTAL:	150.00
B & B KLASSEN ENTERPRISES INC	SWB GREY COARSE SCR	SPECIAL HIGHWAY	SPECIAL HIGHWAY	785.01
	SWB KGE 1-1/2	SPECIAL HIGHWAY	SPECIAL HIGHWAY	1,666.73_
			TOTAL:	2,451.74
BNSF RAILWAY	5TH & MEEDS-RR PERM #1	CAPITAL PROJECTS F	SEWER REHAB-2010 CIP	3,307.00
	ALLEN & CEDAR RR PER #2	CAPITAL PROJECTS F	SEWER REHAB-2010 CIP	2,500.00
	MERIDIAN & CLAY RR PER #3	CAPITAL PROJECTS F	SEWER REHAB-2010 CIP	2,500.00
	1ST & CEDAR RR PERM #4	CAPITAL PROJECTS F	SEWER REHAB-2010 CIP	2,500.00
	ADD'L RR PERM \$ 10-41761	CAPITAL PROJECTS F	SEWER REHAB-2010 CIP	2,000.00
	ADD'L RR PERM #2 10-41762	CAPITAL PROJECTS F	SEWER REHAB-2010 CIP	1,000.00
	ADD'L RR PERM \$ 10-41763	CAPITAL PROJECTS F	SEWER REHAB-2010 CIP	1,000.00
	ADD'L RR PERM \$ 10-41764	CAPITAL PROJECTS F	SEWER REHAB-2010 CIP	1,000.00_
			TOTAL:	15,807.00
BOB KELLETT INSURANCE AGENCY INC	NOTARY RENEWAL-LT	GENERAL FUND	EMERGENCY COMMUNICATIO	50.00_
			TOTAL:	50.00
CATHY SEXTON	2010 XMAS CATERING	GENERAL FUND	ADMINISTRATION	840.00
	4TH/FINAL 2010 SR COORD	GENERAL FUND	PARKS AND PUBLIC GROUN	1,866.25_
			TOTAL:	2,706.25
CINDY PLANT	184 MI x .50 PER MI	GENERAL FUND	ENVIRONMENTAL SERVICES	92.00
	TURNPIKE CHARGE	GENERAL FUND	ENVIRONMENTAL SERVICES	4.00
	99 MI x .50 PER MI	GENERAL FUND	ENVIRONMENTAL SERVICES	49.50_
			TOTAL:	145.50
CITY ATTORNEYS ASSN OF KS	2011 CAAOK ANNUAL RENEW	GENERAL FUND	LEGAL & MUNICIPAL COUR	35.00_
			TOTAL:	35.00
CITY OF WICHITA	10/16-11/18/10 ICT H20	WATER OPERATING	NON-DEPARTMENTAL	26,352.56_
			TOTAL:	26,352.56
CIVIC PLUS	11/2010 SPAM FILTERING	GENERAL FUND	ADMINISTRATION	18.78
	11/2010 SPAM FILTERING	GENERAL FUND	LEGAL & MUNICIPAL COUR	2.21
	11/2010 SPAM FILTERING	GENERAL FUND	COMMUNITY DEVELOPMENT	1.10
	11/2010 SPAM FILTERING	GENERAL FUND	POLICE	22.10
	11/2010 SPAM FILTERING	GENERAL FUND	FIRE	26.52
	11/2010 SPAM FILTERING	GENERAL FUND	EMERGENCY COMMUNICATIO	8.84
	11/2010 SPAM FILTERING	GENERAL FUND	PARKS AND PUBLIC GROUN	4.42
	11/2010 SPAM FILTERING	GENERAL FUND	ENVIRONMENTAL SERVICES	1.10
	11/2010 SPAM FILTERING	SPECIAL HIGHWAY	SPECIAL HIGHWAY	2.21
	11/2010 SPAM FILTERING	WATER OPERATING	NON-DEPARTMENTAL	5.52

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT_
	11/2010 SPAM FILTERING	STORMWATER UTILITY	INVALID DEPARTMENT	1.10
	11/2010 SPAM FILTERING	SEWER OPERATING	NON-DEPARTMENTAL	1.10_
			TOTAL:	95.00
CNA SURETY	RENEW BOND 0601 71029023	GENERAL FUND	ADMINISTRATION	192.50_
			TOTAL:	192.50
COONROD & ASSOC CONSTRUCTION CO	ST RPRS WHEATLAND ELEM	SPECIAL HIGHWAY	SPECIAL HIGHWAY	10,775.00_
			TOTAL:	10,775.00
COX COMMUNICATIONS	12/1-31/10 INTERNET/CBL	GENERAL FUND	ADMINISTRATION	111.37
	12/1-31/10 CH CABLE	GENERAL FUND	ADMINISTRATION	34.81
	12/1-31/10 INTERNET/CBL	GENERAL FUND	LEGAL & MUNICIPAL COUR	15.80
	12/1-31/10 INTERNET/CBL	GENERAL FUND	COMMUNITY DEVELOPMENT	18.58
	12/1-31/10 INTERNET/CBL	GENERAL FUND	POLICE	15.80
	12/1-31/10 INTERNET/CBL	GENERAL FUND	FIRE	15.80
	12/1-31/10 INTERNET/CBL	GENERAL FUND	EMERGENCY COMMUNICATIO	15.80
	11/21-12/20/10 INTERNET	GENERAL FUND	PARKS AND PUBLIC GROUN	19.99
	12/1-31/10 INTERNET/CBL	GENERAL FUND	ENVIRONMENTAL SERVICES	15.80
	11/21-12/20/10 INTERNET	SPECIAL HIGHWAY	SPECIAL HIGHWAY	19.98
	11/21-12/20/10 INTERNET	WATER OPERATING	NON-DEPARTMENTAL	20.00
	11/21-12/20/10 INTERNET	SEWER OPERATING	NON-DEPARTMENTAL	19.98_
			TOTAL:	323.71
ELDON MILLER	10/2010 MILEAGE REIMBURS	GENERAL FUND	COMMUNITY DEVELOPMENT	290.50_
			TOTAL:	290.50
EMC INSURANCE COMPANY	DEDUCTIBLE-#10-CV-2567	GENERAL FUND	ADMINISTRATION	1,000.00_
			TOTAL:	1,000.00
ING LIFE INSURANCE & ANNUITY CO	VFG496-0159	GENERAL FUND	NON-DEPARTMENTAL	50.00
	VFG496-7047	GENERAL FUND	NON-DEPARTMENTAL	15.00
	VFG496-9889	GENERAL FUND	NON-DEPARTMENTAL	350.00
	VFG496-1325	GENERAL FUND	NON-DEPARTMENTAL	12.00
	VFG496-2230	GENERAL FUND	NON-DEPARTMENTAL	50.00
	VFG496-9681	GENERAL FUND	NON-DEPARTMENTAL	100.00
	VFG496-5676	GENERAL FUND	NON-DEPARTMENTAL	25.00
	VFG496-1112	GENERAL FUND	NON-DEPARTMENTAL	20.00
	VFG496-8830	SPECIAL HIGHWAY	NON-DEPARTMENTAL	15.00
	VFG496-2852	WATER OPERATING	NON-DEPARTMENTAL	12.50
	VFG496-0649	WATER OPERATING	NON-DEPARTMENTAL	200.00_
			TOTAL:	849.50
INTRUST BANK N.A.	EMP FED TAX W/H	GENERAL FUND	NON-DEPARTMENTAL	3,732.41
	EMP FICA & MEDICARE	GENERAL FUND	NON-DEPARTMENTAL	3,731.98
	FSA 4172 NO	GENERAL FUND	NON-DEPARTMENTAL	114.82
	FSA 4172 NO	GENERAL FUND	NON-DEPARTMENTAL	70.37
	FSA 4172 NO	GENERAL FUND	NON-DEPARTMENTAL	185.19
	FSA 3726 CP	GENERAL FUND	NON-DEPARTMENTAL	21.06
	FSA 2297 LC	GENERAL FUND	NON-DEPARTMENTAL	58.00
	FSA 6910 MG	GENERAL FUND	NON-DEPARTMENTAL	25.00
	FSA 9681 JP	GENERAL FUND	NON-DEPARTMENTAL	30.42
	FSA 6560 LT	GENERAL FUND	NON-DEPARTMENTAL	34.00
	FSA 4172 NO	GENERAL FUND	NON-DEPARTMENTAL	10.00
	FSA 5057 CS	GENERAL FUND	NON-DEPARTMENTAL	39.71
	FSA 3726 CP	GENERAL FUND	NON-DEPARTMENTAL	24.11

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT_
	FSA 6560 LT	GENERAL FUND	NON-DEPARTMENTAL	4.00
	FSA 2997 LC	GENERAL FUND	NON-DEPARTMENTAL	15.97
	FSA 3726 CP	GENERAL FUND	NON-DEPARTMENTAL	12.98
	FSA 6560 LT	GENERAL FUND	NON-DEPARTMENTAL	20.00
	FSA 9681 JP	GENERAL FUND	NON-DEPARTMENTAL	22.62
	ANNUAL FEE-CITY SD BOX	GENERAL FUND	ADMINISTRATION	30.00
	EMPR BENEFITS-MEDIC	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	771.37
	EMPR BENEFITS-FICA	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	2,960.61
	EMP FED TAX W/H	SPECIAL HIGHWAY	NON-DEPARTMENTAL	378.65
	EMP FICA & MEDICARE	SPECIAL HIGHWAY	NON-DEPARTMENTAL	390.16
	FSA 2410 DR	SPECIAL HIGHWAY	NON-DEPARTMENTAL	20.08
	FSA 2410 DR	SPECIAL HIGHWAY	NON-DEPARTMENTAL	96.00
	FSA 2410 DR	SPECIAL HIGHWAY	NON-DEPARTMENTAL	4.00
	EMPR BENEFITS-MEDIC	SPECIAL HIGHWAY	SPECIAL HIGHWAY	73.95
	EMPR BENEFITS-FICA	SPECIAL HIGHWAY	SPECIAL HIGHWAY	316.21
	EMP FED TAX W/H	WATER OPERATING	NON-DEPARTMENTAL	656.85
	EMP FICA & MEDICARE	WATER OPERATING	NON-DEPARTMENTAL	682.91
	FSA 0583 RJ	WATER OPERATING	NON-DEPARTMENTAL	2.70
	EMPR BENEFITS-MEDIC	WATER OPERATING	NON-DEPARTMENTAL	129.43
	EMPR BENEFITS-FICA	WATER OPERATING	NON-DEPARTMENTAL	553.48
	EMP FED TAX W/H	SEWER OPERATING	NON-DEPARTMENTAL	205.07
	EMP FICA & MEDICARE	SEWER OPERATING	NON-DEPARTMENTAL	227.03
	FSA 0649 RD	SEWER OPERATING	NON-DEPARTMENTAL	300.00
	FSA 7291 TF	SEWER OPERATING	NON-DEPARTMENTAL	6.85
	EMPR BENEFITS-MEDIC	SEWER OPERATING	NON-DEPARTMENTAL	43.03
	EMPR BENEFITS-FICA	SEWER OPERATING	NON-DEPARTMENTAL	184.00
			TOTAL:	16,185.02
JACKIE BROWN	11/2010 MILEAGE REIMBURS	GENERAL FUND	ADMINISTRATION	7.85
			TOTAL:	7.85
KANSAS DEPT OF REVENUE	11/15-30/10 KS KW-5 TAX	GENERAL FUND	NON-DEPARTMENTAL	3,716.05
	11/16-30/10 KS KW-5 TAX	SPECIAL HIGHWAY	NON-DEPARTMENTAL	344.79
	11/16-30/10 KS KW-5 TAX	WATER OPERATING	NON-DEPARTMENTAL	828.38
	11/16-30/10 KS KW-5 TAX	SEWER OPERATING	NON-DEPARTMENTAL	223.30
			TOTAL:	5,112.52
KANSAS OFFICE OF THE SECRETARY	NOTARY RENEWAL-LT	GENERAL FUND	EMERGENCY COMMUNICATIO	25.00
			TOTAL:	25.00
KANSAS ONE-CALL SYSTEM INC	78 LOCATES @ \$0.30 EA	WATER OPERATING	NON-DEPARTMENTAL	23.40
			TOTAL:	23.40
KANSAS PAYMENT CENTER	98D002573	GENERAL FUND	NON-DEPARTMENTAL	110.31
	09DM009607	GENERAL FUND	NON-DEPARTMENTAL	144.97
	06DM000961	GENERAL FUND	NON-DEPARTMENTAL	150.00
	06DM00734	GENERAL FUND	NON-DEPARTMENTAL	224.00
	07DM000222	GENERAL FUND	NON-DEPARTMENTAL	221.54
	05DM06422	WATER OPERATING	NON-DEPARTMENTAL	204.50
	06DM006517	WATER OPERATING	NON-DEPARTMENTAL	374.39
			TOTAL:	1,429.71
KANSAS PEACE OFFICERS ASSN	13 OFFICERS-RENEWAL	GENERAL FUND	POLICE	195.00
			TOTAL:	195.00
KANSAS WATER TRAINING	SM SYS WW OPS WRKSH	SEWER OPERATING	NON-DEPARTMENTAL	110.00

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT_
			TOTAL:	110.00
KPERS	EMP DEDUCT-GENERAL	GENERAL FUND	NON-DEPARTMENTAL	1,987.46
	EMPR BENEFITS-GEN	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	3,221.92
	EMP DEDUCT-SP STS	SPECIAL HIGHWAY	NON-DEPARTMENTAL	256.40
	EMPR BENEFITS-STs	SPECIAL HIGHWAY	SPECIAL HIGHWAY	375.54
	EMP DEDUCT-WATER	WATER OPERATING	NON-DEPARTMENTAL	416.12
	EMPR BENEFITS-WTR	WATER OPERATING	NON-DEPARTMENTAL	615.49
	EMP DEDUCT-SEWER	SEWER OPERATING	NON-DEPARTMENTAL	126.97
	EMPR BENEFITS-SWR	SEWER OPERATING	NON-DEPARTMENTAL	226.65
			TOTAL:	7,226.55
KRISTINE POLIAN	MILEAGE - 12/10	GENERAL FUND	ADMINISTRATION	18.96
	GIFT BAGS & CANDY	GENERAL FUND	ADMINISTRATION	118.03
			TOTAL:	136.99
LAURIE B. WILLIAMS	0914039	GENERAL FUND	NON-DEPARTMENTAL	55.00
	081223113	WATER OPERATING	NON-DEPARTMENTAL	100.00
	081002813	WATER OPERATING	NON-DEPARTMENTAL	84.00
			TOTAL:	239.00
LKM - LEAGUE OF KANSAS MUNICIPALITIES	2011 LKM MEMBERSHIP RENEW	GENERAL FUND	ADMINISTRATION	2,700.11
	2010 RETIREMENT AWARDS	GENERAL FUND	ADMINISTRATION	1,296.44
			TOTAL:	3,996.55
MAYER SPECIALTY SERVICES LLC	4.5 HRS COMBO UNIT VACUU	SEWER OPERATING	NON-DEPARTMENTAL	967.50
			TOTAL:	967.50
P E C	10/2010 RETAINER	GENERAL FUND	ADMINISTRATION	672.27
	11/2010 CONSULT SVC	GENERAL FUND	ADMINISTRATION	1,500.00
			TOTAL:	2,172.27
P K H L S ARCHITECTURE, PA	PROJ# 10-1019 P WKS STOR	CAPITAL PROJECTS F	PUBLIC WKS STORAGE BLD	1,801.92
			TOTAL:	1,801.92
P S I	STATE DNLD ISSUES	GENERAL FUND	LEGAL & MUNICIPAL COUR	32.50
	DISPATCH-SYS RESTOR	GENERAL FUND	EMERGENCY COMMUNICATIO	292.50
	1/2 PC SYS RESTORE	WATER OPERATING	NON-DEPARTMENTAL	195.00
	1/2 PC SYS RESTORE	SEWER OPERATING	NON-DEPARTMENTAL	195.00
			TOTAL:	715.00
PAINE LAW FIRM, LCC	CASE# 09028T HAAG	GENERAL FUND	LEGAL & MUNICIPAL COUR	150.00
	CASE# 090299C HAAG	GENERAL FUND	LEGAL & MUNICIPAL COUR	150.00
	CASE# 090412C HAAG	GENERAL FUND	LEGAL & MUNICIPAL COUR	150.00
			TOTAL:	450.00
PHILLIPS SOUTHERN ELEC CO	INV# 0006840-IN	GENERAL FUND	PARKS AND PUBLIC GROUN	1,697.24
			TOTAL:	1,697.24
PORTIA SMITH	(3) VC EMBLEMS-COATS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	15.00
	4 FLAGS ON JKTS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	20.00
	2 REMOVE VC EMBLEM	SPECIAL HIGHWAY	SPECIAL HIGHWAY	10.00
			TOTAL:	45.00
PREFERRED PLUS OF KANSAS	12/2010 DENTAL PREMIUM	GENERAL FUND	NON-DEPARTMENTAL	2,032.44
	12/2010 HEALTH PREMIUM	EMPLOYEE BENEFITS	NON-DEPARTMENTAL	32,758.24

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT_
	12/2010 DENTAL PREMIUM	SPECIAL HIGHWAY	NON-DEPARTMENTAL	156.18
	12/2010 HEALTH PREMIUM	SPECIAL HIGHWAY	SPECIAL HIGHWAY	2,886.16
	12/2010 DENTAL PREMIUM	WATER OPERATING	NON-DEPARTMENTAL	232.57
	12/2010 HEALTH PREMIUM	WATER OPERATING	NON-DEPARTMENTAL	3,263.17
	12/2010 DENTAL PREMIUM	SEWER OPERATING	NON-DEPARTMENTAL	172.30
	12/2010 HEALTH PREMIUM	SEWER OPERATING	NON-DEPARTMENTAL	3,572.83_
			TOTAL:	45,073.89
SECURITY BENEFIT	613042-8913	GENERAL FUND	NON-DEPARTMENTAL	25.00
	613042-5556	GENERAL FUND	NON-DEPARTMENTAL	25.00
	613042-6484	GENERAL FUND	NON-DEPARTMENTAL	25.00_
			TOTAL:	75.00
SEDGWICK COUNTY	2010 VC REAL ESTATE TAXES	GENERAL FUND	ADMINISTRATION	2,562.62
	11/2010 JAIL HOUSING FEES	GENERAL FUND	LEGAL & MUNICIPAL COUR	254.98
	00261929 HEP B 19	SPECIAL HIGHWAY	SPECIAL HIGHWAY	42.60
	00261932 HEP B 19	SPECIAL HIGHWAY	SPECIAL HIGHWAY	42.60
	00261930 HEP B 19	WATER OPERATING	NON-DEPARTMENTAL	42.60
	0029134 HEP B 19	WATER OPERATING	NON-DEPARTMENTAL	42.60_
			TOTAL:	2,988.00
SOUTH CENTRAL SEALING LLC	3710.0 CRACK SEAL	SPECIAL HIGHWAY	SPECIAL HIGHWAY	4,155.20_
			TOTAL:	4,155.20
TERESA ARTHUR	NUETER REIMBURSEMENT	GENERAL FUND	ENVIRONMENTAL SERVICES	65.00_
			TOTAL:	65.00
TERNES LAW FIRM, CHARTERED	11/18/10-M FLORES	GENERAL FUND	LEGAL & MUNICIPAL COUR	150.00
	11/18/10-C LEONE	GENERAL FUND	LEGAL & MUNICIPAL COUR	150.00_
			TOTAL:	300.00
TUANA SWARTZ	CREATE/EDIT VET VIDEO	GENERAL FUND	COMMUNITY DEVELOPMENT	500.00_
			TOTAL:	500.00
TYLER TECHNOLOGIES INC - INCODE DIVISI	12/1/10-11/30/11-ACU	GENERAL FUND	ADMINISTRATION	7.35
	11/2010 WEB MAINT	GENERAL FUND	ADMINISTRATION	25.00
	12/1/10-11/30/11 MAI	GENERAL FUND	LEGAL & MUNICIPAL COUR	1,158.15
	11/2010 ONLINE FEE	GENERAL FUND	LEGAL & MUNICIPAL COUR	75.00
	11/2010 WEB MAINT	GENERAL FUND	LEGAL & MUNICIPAL COUR	25.00
	11/2010 UTILITY FEE	WATER OPERATING	NON-DEPARTMENTAL	26.67
	11/2010 UTILITY FEE	STORMWATER UTILITY	INVALID DEPARTMENT	26.66
	11/2010 UTILITY FEE	SEWER OPERATING	NON-DEPARTMENTAL	26.67_
			TOTAL:	1,370.50
U S DEPT OF THE TREASURY	13648-5160	GENERAL FUND	NON-DEPARTMENTAL	323.24
	19340-3803	GENERAL FUND	NON-DEPARTMENTAL	56.71
	19349-8830	SPECIAL HIGHWAY	NON-DEPARTMENTAL	200.49_
			TOTAL:	580.44
UNDERGROUND VAULTS & STORAGE	SALT MINE-RECORDS STORAGE	GENERAL FUND	ADMINISTRATION	150.00_
			TOTAL:	150.00
VALLEY CENTER POSTMASTER	ANNUAL FEE-PO BOX RENT	GENERAL FUND	ADMINISTRATION	185.00_
			TOTAL:	185.00
VANTAGEPOINT TRANS AGENTS	342527-6560	GENERAL FUND	NON-DEPARTMENTAL	10.00

VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT_
	342527-5676	GENERAL FUND	NON-DEPARTMENTAL	50.00
	342527-1923	GENERAL FUND	NON-DEPARTMENTAL	25.00_
			TOTAL:	85.00
VERIZON WIRELESS	10/23-11/22/2010 BRDBND	GENERAL FUND	ADMINISTRATION	65.06
	10/23-11/22/2010 BRDBND	GENERAL FUND	ADMINISTRATION	65.06
	10/23-11/22/2010 BRDBND	GENERAL FUND	COMMUNITY DEVELOPMENT	65.06_
			TOTAL:	195.18
WANDA WOODWARD	CANX PARTIAL RESERVA	GENERAL FUND	PARKS AND PUBLIC GROUN	20.00_
			TOTAL:	20.00
WASTE MANAGEMENT OF WICHI	12/2010 CITY TRASH SVCS	GENERAL FUND	ADMINISTRATION	102.46
	121 S MERIDIAN - 11/2010	GENERAL FUND	ADMINISTRATION	9.36-
	12/2010 CITY TRASH SVCS	GENERAL FUND	LEGAL & MUNICIPAL COUR	16.63
	12/2010 CITY TRASH SVCS	GENERAL FUND	POLICE	16.63
	616 E FIFTH - 11/2010	GENERAL FUND	POLICE	4.20-
	12/2010 CITY TRASH SVCS	GENERAL FUND	FIRE	16.63
	616 E FIFTH - 11/2010	GENERAL FUND	FIRE	5.59-
	12/2010 CITY TRASH SVCS	GENERAL FUND	EMERGENCY COMMUNICATIO	16.63
	616 E FIFTH - 11/2010	GENERAL FUND	EMERGENCY COMMUNICATIO	9.36-
	12/2010 CITY TRASH SVCS	GENERAL FUND	PARKS AND PUBLIC GROUN	94.33
	255 E ALLEN - 11/2010	GENERAL FUND	PARKS AND PUBLIC GROUN	13.04-
	255 E ALLEN - 11/2010	GENERAL FUND	PARKS AND PUBLIC GROUN	111.81-
	716 MCLAUGHLIN - 11/2010	GENERAL FUND	PARKS AND PUBLIC GROUN	13.04-
	716 MCLAUGHLIN - 11/2010	GENERAL FUND	PARKS AND PUBLIC GROUN	111.81-
	316 E CLAY - 11/2010	GENERAL FUND	PARKS AND PUBLIC GROUN	12.37-
	316 E CLAY - 11/2010	GENERAL FUND	PARKS AND PUBLIC GROUN	111.81-
	12/2010 CITY TRASH SVCS	GENERAL FUND	ENVIRONMENTAL SERVICES	16.63
	616 E FIFTH - 11/2010	GENERAL FUND	ENVIRONMENTAL SERVICES	9.31-
	12/2010 CITY TRASH SVCS	SPECIAL HIGHWAY	SPECIAL HIGHWAY	47.39
	545 W CLAY - 11/2010	SPECIAL HIGHWAY	SPECIAL HIGHWAY	16.83-
	12/2010 CITY TRASH SVCS	WATER OPERATING	NON-DEPARTMENTAL	47.39
	545 W CLAY - 11/2010	WATER OPERATING	NON-DEPARTMENTAL	16.83-
	12/2010 CITY TRASH SVCS	SEWER OPERATING	NON-DEPARTMENTAL	193.47
	545 W CLAY - 11/2010	SEWER OPERATING	NON-DEPARTMENTAL	16.83-
			TOTAL:	106.00
WESTAR ENERGY	10/27-11/30/10 CITY ST LT	GENERAL FUND	ADMINISTRATION	3,172.98_
			TOTAL:	3,172.98
WESTERN IMAGING INC	KYOCERA-250ci & 400c	GENERAL FUND	ADMINISTRATION	2,000.00
	KYOCERA- 400ci	GENERAL FUND	ADMINISTRATION	2,550.00
	KYOCERA-250ci	GENERAL FUND	LEGAL & MUNICIPAL COUR	1,500.00
	KYOCERA-250ci	GENERAL FUND	POLICE	2,000.00
	KYOCERA-250ci	GENERAL FUND	ENVIRONMENTAL SERVICES	1,000.00
	KYOCERA-400ci - CH	SPECIAL HIGHWAY	SPECIAL HIGHWAY	1,500.00
	KYOCERA-400ci CH	WATER OPERATING	NON-DEPARTMENTAL	2,000.00
	KYOCERA-400ci CH	SEWER OPERATING	NON-DEPARTMENTAL	2,000.00_
			TOTAL:	14,550.00

VENDOR NAME

DESCRIPTION

FUND

DEPARTMENT

AMOUNT_

===== FUND TOTALS =====

010	GENERAL FUND	57,963.50
110	EMPLOYEE BENEFITS	39,712.14
127	EQUIPMENT RESERVE	1,799.90
150	SPECIAL HIGHWAY	26,902.13
350	CAPITAL PROJECTS FUND	17,976.60
610	WATER OPERATING	39,736.76
612	STORMWATER UTILITY FUND	27.76
620	SEWER OPERATING	8,971.37

	GRAND TOTAL:	193,090.16

TOTAL PAGES: 8

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-CITY OF VALLEY CENTER
VENDOR: All
CLASSIFICATION: All
BANK CODE: All
ITEM DATE: 11/24/2010 THRU 12/15/2010
ITEM AMOUNT: 9,999,999.00CR THRU 9,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 0/00/0000 THRU 99/99/9999

PAYROLL SELECTION

PAYROLL EXPENSES: NO
CHECK DATE: 0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE: None
SEQUENCE: By Vendor Name
DESCRIPTION: Distribution
GL ACCTS: NO
REPORT TITLE: COUNCIL REPORT 12-21-10 MTG PKT
SIGNATURE LINES: 0

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

CLERK'S AGENDA

C. TREASURER'S REPORT, NOVEMBER 2010:

RECOMMENDED ACTION:

Staff recommends motion to receive and file the November 2010 Treasurer's Report.

12-16-2010 12:11 PM

CITY OF VALLEY CENTER
MONTHLY TREASURERS REPORT
AS OF: NOVEMBER 30TH, 2010

PAGE: 1

FUND	BEGINNING CASH BALANCE	MONTH TO DATE REVENUES	MONTH TO DATE EXPENDITURES	PENDING PAYABLES	ENDING CASH BALANCE
010-GENERAL FUND	502,116.27	101,281.51	239,689.51	17,129.18	380,837.45
020-SPECIAL PARKS AND REC	5,143.28	0.00	0.00	0.00	5,143.28
030-SPECIAL ALCOHOL AND DRUGS	5,143.25	0.00	0.00	0.00	5,143.25
110-EMPLOYEE BENEFITS	19,634.16	7,722.24	18,146.67	0.00	9,209.73
111-FLEXIBLE SPENDING ACCT	0.00	0.00	0.00	0.00	0.00
125-FIRE VEHICLE REPLACEMENT	640.30	0.00	0.00	0.00	640.30
126-BUILDING EQUIP RESERVE	111,177.90	0.00	0.00	0.00	111,177.90
127-EQUIPMENT RESERVE	239,281.51	0.00	4,452.58	0.00	234,828.93
128-PUBLIC WORKS BUILDING	8,627.24	0.00	0.00	0.00	8,627.24
140-LIBRARY	34,887.79	0.00	0.00	0.00	34,887.79
150-SPECIAL HIGHWAY	347,338.17	57,287.33	64,331.06	1,785.76	342,080.20
160-EMERGENCY EQUIPMENT	116,574.12	0.00	0.00	0.00	116,574.12
210-PAYROLL CLEARING	37.62	0.00	0.00	0.00	37.62
220-ACTIVE AGING	5,000.00	0.00	0.00	0.00	5,000.00
225-PARK BEAUTIFICATION FUND	2,454.66	0.00	0.00	0.00	2,454.66
230-BUSINESS IMPROVEMENT DIST	1,143.50	0.00	0.00	0.00	1,143.50
240-D.A.R.E.	2,401.56	0.00	0.00	0.00	2,401.56
245-VETERANS FLAG REWARD FUND	0.00	0.00	0.00	0.00	0.00
250-DRUG TAX DISTRIBUTION	4,987.03	0.00	0.00	0.00	4,987.03
260-LAW ENFORCE BLOCK GRANT	2,500.00	0.00	0.00	0.00	2,500.00
280-ADSAP	1,999.08	0.00	0.00	0.00	1,999.08
340-CAPITAL IMPROVEMENT FUND	3,363.91	0.00	0.00	0.00	3,363.91
350-CAPITAL PROJECTS FUND	826,216.19	1,322.49	423,554.52	0.00	403,984.16
410-BOND & INTEREST	1,258,448.56	247,699.98	0.00	0.00	1,506,148.54
610-WATER OPERATING	466,218.84	81,251.00	93,522.11	2,570.78	456,518.51
611-METER DEPOSIT	0.00	0.00	0.00	0.00	0.00
612-STORMWATER UTILITY FUND	52,593.04	2,959.00	6,526.99	0.00	49,025.05
614-WATER MAINTENANCE RESERVE	7,780.37	0.00	0.00	0.00	7,780.37
615-WATER IMPROVEMENT FUND	146,497.48	0.00	0.00	0.00	146,497.48
616-WATER LOAN PRIN & INT	41.07	0.00	0.00	0.00	41.07
617-07 WATER LOAN P & I	2.15	0.00	0.00	0.00	2.15
619-WATER SURPLUS RESERVE	555,266.68	0.00	0.00	0.00	555,266.68
620-SEWER OPERATING	400,617.33	70,920.83	51,850.82	1,556.21	421,243.55
621-SEWER OPERATION & MAINT	0.00	0.00	0.00	0.00	0.00
623-07 SEWER LOAN P & I	4.52	0.00	0.00	0.00	4.52
625-1993 SEWER BOND RESERVE	0.00	0.00	0.00	0.00	0.00
626-1993 SEWER BOND P & I	0.00	0.00	0.00	0.00	0.00
627-1993 SEWER DEPRECIATION	0.00	0.00	0.00	0.00	0.00
628-SEWER SURPLUS RESERVE	303,603.22	0.00	0.00	0.00	303,603.22
629-1997 SEWER BOND P & I	0.00	0.00	0.00	0.00	0.00
630-1997 SW BOND DEPR	0.00	0.00	0.00	0.00	0.00
631-1997 SW BOND RESERVE	0.00	0.00	0.00	0.00	0.00
633-2001 SW BOND P & I	0.00	0.00	0.00	0.00	0.00
634-2001 SW REV BOND DEPR	0.00	0.00	0.00	0.00	0.00
635-2001 SW BOND RESERVE	0.00	0.00	0.00	0.00	0.00
BALANCES	5,431,740.80	570,444.38	902,074.26	23,041.93	5,123,152.85

*** END OF REPORT ***

PRESENTATIONS / PROCLAMATIONS

A. WELLNESS COMMITTEE

**B. EMERGENCY FOOD ASSISTANCE PROGRAM
(COMMODITIES)**

PUBLIC FORUM

APPOINTMENTS

Valley Center Wellness Program

On July 1, 2010 the Valley Center Employee Wellness Program was initiated to promote healthier lifestyles for the employees, increase productivity and mitigate continual increases in health insurance premiums. Thus far the Program has been an overwhelming success.

Prior to July 1 a biometrics screening was completed on all employees that chose to participate in the program; for those employees that completed the biometrics screening along with an online assessment were awarded a \$25 gift certificate to 1 of 5 local vendors of their choice. 65% of City employees participated in the biometrics and on-line health screening, which according to statistics was a high participation rate for first-year implementation of the Program.

In order to make the Program as successful as possible, a Wellness Committee was created in which 7 employees from varying departments were selected to create policies and incentives for the Program. The following individuals make up the Wellness Committee:

Jason Bartlett
Ron Ekstrom
Jay Grayson
Amanda Park
Hershel Smith
Phyllis Tedesco
Phil Tennissen

To date there have been the following successes:

- Mission Statement Created
- 2 employees quit smoking
- Several have lost 10 pounds or more
- 2 employees have completed the Silver level. This includes completing online seminars, participating in monthly activities and maintaining their account online.
- Recruited students from Abilene Elementary to enter drawings for the Wellness Program logo to be put on t-shirts. Provided fruit to each classroom that participated.

The Wellness Committee has worked very hard the past 6 months, making huge strides in policy creation and employee education, and for that they are much appreciated.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

The City of Valley Center contracts with Sedgwick County to distribute commodities to area residents. Attached is a summary of The Emergency Food Assistance Program as provided by Sedgwick County. It is important to note that there has been an increase in families receiving commodities, so the City now requests more food to distribute.

In addition to the summary from Sedgwick County, Billie Strunk has provided a summary of the process to distribute the commodities when they are available. She has included

Billie Strunk has been volunteering her time to assist and coordinate the distribution of commodities for over 2 years. Along with Ms. Strunk, several other people volunteer their time; their names are provided in Ms. Strunk's summary as well. All volunteers deserve much appreciation from the City.

T.E.F.A.P
(The Emergency Food Assistance Program)

History

In December 1981 the United States Congress, with the recommendation of President Reagan, affirmed the United States Department of Agriculture's authority to donate surplus food products directly to needy persons for home consumption. This was to be accomplished by distribution of donated commodities through non-profit organizations and food banks.

The Temporary Emergency Food Assistance Act of 1983, which established the Temporary Emergency Food Assistance Program (TEFAP), was passed (Public Law 98-8 Title II) in March 1983. Under the provisions of this law, states were allowed to enter into an agreement with the Food and Nutrition Service of the United States Department of Agriculture (USDA) for the implementation of TEFAP.

The Mickey Leland Memorial Domestic Hunger Relief Act (Public Law 101 - 624) re-authorized the program in 1990 for a five year period which will extend it through September 30, 1995. The Act also changed the name of the program from the Temporary Emergency Food Assistance Program (TEFAP) to The Emergency Food Assistance Program (TEFAP).

Scope and Purpose

The Emergency Food Assistance Program has a twofold purpose. First, it helps to improve the diet of persons in need of food assistance. TEFAP gives needy Americans.

To aid farmers, USDA buys food under price-support and surplus-removal legislation and makes this food available to States. USDA pays for the initial processing and packaging of the food and for transporting it to designated points within each State. including low-income and unemployed persons, USDA-donated foods for household use.

State Allocations to Areas - For TEFAP implementation and allocation purposes, Kansas has been divided into fifteen distribution areas. Each distribution area consists of one or more counties and every county in Kansas is located in one of these areas. Each distribution area is managed by a Regional Director.

Local Allocation Areas

TEFAP allocations for Sedgwick County are distributed through the local SRS office to the 49 various sites, these sites then distribute directly to the families need or in the case of Sedgwick County Department on Aging they are divided among 11 rural service (Named in the contracts are Andale, Bently, Cheney, Clearwater, Colwich, Goddard, Maize, Mt. Hope, Mulvane, Park City, and Valley Center) communities where volunteers

in those areas make the distributions to the families in need. These communities will then send their numbers to SCDoA where then totals are compiled and reported back to SRS.

Participants are encouraged to use the site that is either nearest to their home location, in most cases this is designated by their zip code. In the rural areas if a site is not available in their community, they are able to access the program in the community nearest their home. (Example: Viola residents are able to access this program in Clearwater). The restriction is that participants are only able to access this program at one site per calendar month.

Usage:

For the Fiscal Year 2010 the TEFAP program served 44,000 families in the Sedgwick County area, counted in those numbers are the 1851 families served by the 11 communities supervised by SCDoA. Distributing food items valued at \$79,993.06.

Throughout the program utilization of the program has grown in the last year, however, we have been notified by the regional director that our distribution amounts will remain close to the same for next fiscal year with exception of some when they become available. Bonus items are often fresh or frozen items. Some items we received in the last year were fresh tomatoes, potatoes, frozen strawberries, and blueberries. This program does not receive Milk, Cheese, or eggs, but the Commodity Supplemental Food Program occasionally has those items available for their participants. We will serve the increasing needs by distributing less items to more families making what is available go as far as possible.

FY 2010 Commodities

FY 2010	Families Served	Value of Commodities Received/Distributed
Sep-09	57	
Oct-09	233*	\$15,454.38
Nov-09	24	
Dec-09	284*	\$16,080.63
Jan-10	34	
Feb-10	260*	\$17,724.86
Mar-10	106	
Apr-10	312*	\$11,169.55
May-10	33	
Jun-10	264*	\$9,654.83
Jul-10	44	
Aug-10	274*	\$9,908.81

1925

\$79,993.06

*Received Commodities
From SRS for Distribution

The Emergency Food Assistance Program

We distribute commodities the 4th Wed. of the month, when we have them available. That has been every other month during 2010. Teevie, from City Hall will call and let me know around the 3rd Mon/Tues. if we will have food available for that month. The city crew goes to the Food Bank in Wichita on the 3rd Wed. to pick up cases of food and delivers them to the Community Building. They are stored in the south room where they can be locked up for safe keeping until distribution the following week. Usually on Thurs or Fri., I go and verify the inventory. Then I have to determine how they will be divided into equal quantities for each qualifying person. Since we do not have space to carry an inventory, we must distribute all items on the day of distribution. I began using 50 units as a dividing factor and have increased to 65.

Volunteers:

Billie Strunk- Coordinator

Mr. Ruth Kalp

Mrs. Johnnie Morrill

Jan Nantkes

Kean Bogle

Korin Bogle

Jesse Bailey

Leekers Family Foods – provides carts and plastic bags

Usually the day before distribution, Ruth, Johnnie, Jan and I meet at the Community Building. The cases of food need to be broken down and then sacked or boxed into as equal quantities as possible for each person. This can sometimes take 2+ hours and we have had as many as 97 cases of food and as few as 54 (900 – 1750 items). Distribution is from 10 a.m. to noon and on that day Kean and Korin come to help us in getting the food out to the cars for the older and disabled people. Kean and Korin live across the street from the Community Building and are home schooled, so that gives them the opportunity to have time during a school day to help serve the community. They use grocery carts donated by Leeker's to take the bags/boxes out to the cars.

I just took over for Bess Roberts in Jan. 2010. I started volunteering about 2 years ago when I found out they needed someone who was physically able to carry out the bags and boxes of food for the older people. Bess decided to retire due to family commitments and asked if I would take over for her. Feb. 2010 was the first month I was in charge of the distribution. Since then I have tried to streamline the process on distribution day by issuing numbers as the people arrive to pick up the food. They are able to sit in the main room and wait their turn instead of having to stand in line down the hallway. Each person must sign in before receiving the food. We do not verify income, as the sign up sheet lists maximum income amounts and restrictions. By signing and initialing the sheet the receiving person agrees to and verifies the guidelines listed. Leeker's donated two grocery carts and that has made it much easier getting the food out of the building and to the cars. (Please acknowledge Leeker's for their donation of the carts and also of plastic bags when we needed them)

COMMITTEES, COMMISSIONS

A. MINUTES FOR COUNCIL REVIEW:

- Subdivision Committee, September 20, 2010 Meeting
- Planning Commission / Board of Zoning Appeals, November 9, 2010 Meeting
- Site Plan Review Committee, November 8, 2010 Meeting

**SUBDIVISION COMMITTEE
7:00 P.M.
September 20, 2010
121 S. MERIDIAN**

Chairman Dailey called the meeting to order at 7:00 p.m., with the following members present: Jacqué Davis and Steve Jackson.

Members Absent: Gary Janzen

Staff Present: Eldon G. Miller, AICP, CFM, Zoning Administrator

Press present:

APPROVAL OF THE AGENDA

Committee Member Jackson stated that the minutes was for a regular meeting not a special meeting. Chairman Dailey moved, second by Jackson to approve the agenda as presented. Vote Yea: Unanimous.

MINUTES OF AUGUST 16, 2010 REGULAR MEETING

Chairman Dailey moved, second by Jackson to approve as the minutes. Vote Yea: Unanimous.

COMMUNICATIONS

Eldon G. Miller, AICP, CFM discussed that we have issued 19 single-family permits this year, 1 multiple family residence and 4 duplexes.

PUD'S, PLATS AND LOT SPLITS

L/S-2010-002 LOT SPLIT FOR ISHAM-ALEXANDER LLC

Eldon G. Miller, AICP, CFM discussed the proposed lot split. Brad Isham discussed what they were doing in the area. Committee Member Jackson moved, seconded by Davis to recommend to the Planning Commission to approve the lot split. Vote Yea: Unanimous.

The meeting was adjourned at 7:10 p.m.

Respectfully submitted,

Eldon G. Miller, AICP, CFM, Secretary

Approved by the Subdivision Committee on October 18, 2010.

John Dailey, Chairman

**VALLEY CENTER PLANNING COMMISSION/BOARD OF ZONING APPEALS
7:00 P.M.
NOVEMBER 9, 2010
121 S. MERIDIAN**

Chairman Gary Janzen called the meeting to order at 7:00 p.m. with the following members present: Jaque Davis, Don Bosken, John Dailey, Steve Jackson, Danny Park, Ricky Shellenbarger, Kathryn Schroeder and Dee Wretberg.

Members Absent:

Staff Present: Eldon G. Miller, AICP, CFM, Secretary

Press:

APPROVAL OF THE AGENDA

Chairman Janzen move, seconded by Davis to approve the agenda as presented. Vote Yea: Unanimous.

MINUTES OF OCTOBER 26, 2010

Chairman Janzen move, seconded by Schroeder to approve the minutes as presented. Vote Yea: Unanimous.

COMMUNICATIONS

ITEMS BY ZONING ADMINISTRATOR

None

SUBDIVISION COMMITTEE REPORT

None

SITE PLAN REVIEW COMMITTEE REPORT

Meet on November 8th and is inviting the State Historical Preservation Office to their December 13th meeting.

PUBLIC COMMENT

None

PUBLIC HEARING

L/S-2010-003

Applicant: Isham & Alexander

Agent: Ruggles and Bohm. P.A.

At 7:08 p.m., Chairman Janzen called the public hearing to order. Eldon G. Miller, AICP, CFM gave the staff report. Chairman Janzen closed the public hearing at 7:11 p.m. Commissioner Shellenbarger moved, seconded by Davis to approve the lot split. Vote Yea: Unanimous.

UNFINISHED BUSINESS**REVIEW OF COMPREHENSIVE DEVELOPMENT PLAN**

Commissioner Park move, seconded by Janzen to report to the City Council that no changes are needed to be made to the Comprehensive Development Plan. Vote Yea: Unanimous.

ZONING REGULATION AMENDMENTS

Commissioner Shellenbarger move, seconded by Dailey to make Metal Buildings a permitted use. Vote Yea: Unanimous. Commissioner Park move, seconded by Schroeder to make it 5 years vested instead of 10 years. Vote Yea: Unanimous. Vice-Chairman Davis move, seconded by Park to publish for a public hearing on December 14th with the changes. Vote Yea: Unanimous.

NEW BUSINESS**REORGANIZATION OF THE PLANNING COMMISSION**

Commissioner Shellenbarger nominated Janzen for Chairman. Commissioner Park asked if anyone else wants to be chairman. Commissioner Park move, seconded by Dailey to cease nominations. Vote Yea: Unanimous. Election of Janzen as Chairman Vote Yea: Davis, Bosken, Dailey, Jackson, Park, Shellenbarger, Schroeder and Wretberg. Abstain: Janzen

Commissioner Park nominated Davis for Vice-Chairman. Chairman Janzen move, seconded by Park to cease nominations. Vote Yea: Unanimous. Election of Davis as Vice-Chairman Vote Yea: Janzen, Bosken, Dailey, Jackson, Park, Shellenbarger, Schroeder and Wretberg. Abstain: Davis.

Commissioner Park nominated Eldon G. Miller, AICP, CFM for Secretary, seconded by Davis. Chairman Janzen move, seconded by Schroeder to cease nominations. Vote Yea: Unanimous. Election of Eldon G. Miller, AICP, CFM for Secretary. Vote Yea: Unanimous.

ITEMS BY PLANNING COMMISSIONERS

Vice-Chairman Davis stated that she would have the Sign Regulations published in the paper and a link on the website. Also check on permits and fees for garage sales.

Commissioner Bosken appreciated the opportunity to serve on the Planning Commission.

Commissioner Park welcomed the two new members.

Commissioner Wretberg thanked the city for the opportunity to serve on the Planning Commission.

The meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Eldon G. Miller, AICP, CFM, Secretary

Approved by the Valley Center Planning Commission on December 14, 2010.

Gary Janzen, Chairman

DRAFT

**SITE PLAN REVIEW COMMITTEE
7:00 P.M.
NOVEMBER 8, 2010
REGULAR MEETING
121 S. MERIDIAN**

Chairman Sharp called the meeting to order at 7:00 p.m., with the following members present: Mark Baker, John Dailey, Jim Detwiler and Adam Dunn.

Members Absent:

Staff Present: Eldon G. Miller, AICP, CFM, Zoning Administrator

Press present:

APPROVAL OF THE AGENDA

Chairman Sharp moved, second by Dailey to move the unfinished business before Site Plan. Vote Yea: Unanimous.

MINUTES OF OCTOBER 12, 2010 SPECIAL MEETING

Committee Member Dailey moved, second by Dunn to approve the minutes as presented. Vote Yea: Unanimous.

UNFINISHED BUSINESS

HISTROIC PRESERVATION

Kathy Morgan and James Holland, AICP presented on Historic Preservation.

SITE PLANS

S/P-2010-005

City of Valley Center

Agent: David Stewart

Address: 546 W. Industrial

Request: To approve the site plan

David Stewart and Neal Owing presented the Site Plan. Committee Member Dunn asked what would be stored there. Neal Owing stated implements. Chairman Sharp asked about lighting. Neal Owing stated that money is a concern and lighting is planed at some point. Chairman Sharp asked about landscaping. Neal Owing stated no landscaping. Committee Member Dunn moved, seconded by Dailey to approve with the condition that a driveway (all weather) is added to meet Industrial. Vote Yea: Unanimous.

NEW BUSINESS

ELECTION OF OFFICERS

Committee Member Dunn move, seconded by Sharp to nominate Sharp as Chairman, Dailey as Vice-Chair and Miller as Secretary. Committee Member Dailey move, seconded by Dunn that nominations cease. Vote Yea: Unanimous. Election: Vote Yea: Unanimous.

ITEMS BY SITE PLAN REVIEW COMMITTEE

Invite the State Historical Preservation Office to the next meeting.

Committee Member Dailey asked about City Hall trash dumpster need to be enclosed? Eldon G. Miller, AICP, CFM still looking into it.

Committee Member Dunn asked about the lighting and drainage up at the new school ball fields. Eldon G. Miller, AICP, CFM waiting for the engineer's answer.

Chairman Sharp asked if the liquor sign meets code. Eldon G. Miller, AICP, CFM will check it.

The meeting was adjourned at 9:27 p.m.

Respectfully submitted,

Eldon G. Miller, AICP, CFM, Secretary

Approved by the Site Plan Review Committee on December 13, 2010.

Gene Sharp, Chairman

DRAFT

OLD BUSINESS

A. CONSENT ANNEXATION ORDINANCE 1222-10, 2nd READING:

- Community Development Officer Memo
- Consent for Annexation
- Ordinance 1222-10

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to adopt Ordinance 1222-10, annexing certain property into the City of Valley Center, for 2nd Reading.

DATE: November 29, 2010
TO: Mayor McNown and City Council
FROM: Eldon G. Miller, AICP, CFM, Community Development Officer
RE: Consent Annexation of the property

Proposed Agenda Date: December 7, 2010

Background:

- The property owner has requested and received water service from the city.
- As a condition of receiving city water a consent for annexation is required.

Financial Considerations:

- There will be no immediate financial impact on the city as the result of annexation of subject property. The property will increase the taxable valuation of the city will increase incrementally.

Legal Considerations:

- Because the property owner has requested annexation, the City may annex the subject property without notice and hearing.
- Because the subject property is adjacent to the existing City boundary, and because the owner is consenting to the annexation, only City Council approval is necessary.

Policy Considerations:

- The Council has historically granted requests for annexation in anticipation of development of the property.
- The subject property is within the City's primary growth area.

Recommendation:

Staff recommends to City Council to approve the annexation of the property.

CONSENT FOR ANNEXATION

TO: The Governing Body of the City of Valley Center, Kansas.

The undersigned owners of record of the following described land hereby petition the Governing Body of the City of Valley Center, Kansas, to annex such land to the City. The land to be annexed is described as follows:

Such land lies upon or touches the City boundary line.

The undersigned further warrant and guarantee that they are the only owners of record of the land.



A portion of the Northeast Quarter of Section 6, Township 26 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas described as follows:

Commencing at the Northwest Corner of the Northeast Quarter of Section 6, Township 26 South, Range 1 East of the 6th Principal Meridian; thence with an assumed bearing of North 89° 15' 58" East along the North line of said Northeast Quarter 823.47 feet for the point of beginning; thence continuing North 89° 15' 58" East along the Northline of said Northeast Quarter 178.38 feet; thence South 02° 31' 03" West 260.95 feet; thence North 82° 10' 21" West 139.75 feet; thence North 06° 46' 43" West 241.06 feet to the point of beginning; containing 0.908 Acre, subject to a road right-of-way easement across the North 30.00 feet thereof and any other easements of record.

ORDINANCE NO. 1222-10

AN ORDINANCE ANNEXING LAND TO THE CITY OF VALLEY CENTER, KANSAS.

WHEREAS, the following described land is located in Sedgwick County, Kansas; and

WHEREAS, the following described land meets one or more of the conditions prescribed by K.S.A. 12-520(a)(1)-(6); and

WHEREAS, the governing body of the City of Valley Center, Kansas, finds it advisable to annex such land.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY CENTER, KANSAS:

Section 1. That the following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed and made a part of the City of Valley Center, Kansas:

A portion of the Northeast Quarter of Section 6, Township 26 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas described as follows:

Commencing at the Northwest Corner of the Northeast Quarter of Section 6, Township 26 South, Range 1 East of the 6th Principal Meridian; thence with an assumed bearing of North 89° 15' 58" East along the North line of said Northeast Quarter 823.47 feet for the point of beginning; thence continuing North 89° 15' 58" East along the Northline of said Northeast Quarter 178.38 feet; thence South 02° 31' 03" West 260.95 feet; thence North 82° 10' 21" West 139.75 feet; thence North 06° 46' 43" West 241.06 feet to the point of beginning; containing 0.908 Acre, subject to a road right-of-way easement across the North 30.00 feet thereof and any other easements of record.

Section 2. That this ordinance shall be effective from and after its passage, approval, and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Valley Center, Kansas, this 21st day of December 2010.

First Reading: December 7, 2010
Second Reading:

MICHAEL D. MCNOWN, MAYOR

ATTEST:

KRISTINE A. POLIAN, CITY CLERK

NEW BUSINESS

A. ZONING REGULATION AMENDMENT, 1st Reading:

- Community Development Officer Memo
- Ordinance 1223-10, Zoning Ordinance
- Planning Commission / Zoning Board of Appeals Minutes
December 14, 2010 Meeting
- DWR Approved Floodplain Regulations
- Metal Dwellings document
- Proposed Vesting Rights document

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to adopt Ordinance 1223-10, approving and incorporating by reference certain Zoning Regulations governing the use of land and the location of buildings within the City of Valley Center, for 1st Reading.

DATE: December 16, 2010
TO: Mayor McNown and City Council
FROM: Eldon G. Miller, AICP, CFM, Community Development Officer
RE: Zoning Regulations

Proposed Agenda Date: December 21, 2010

Background:

- Planning Commission recommend to the City Council to adopt the attached proposed Zoning Regulations.
- Planning Commission is to review the Zoning Regulations yearly.
- Planning Commission appointed a committee to review the Zoning Regulations in 2009.
- Included in the Zoning Regulations is a new Floodplain Management Regulation, adding Metal dwelling as a conditional use and vesting rights for non-residential development.
- Planning Commission voted 7-0 to exclude Administrative Adjustments to the Zoning Administrator's duties.
- Planning Commission voted Unanimous to recommend to City Council to approve everything.

Financial Considerations:

- None

Legal Considerations:

- The City has the authority to adopt the Zoning Regulations

Policy Considerations:

- The City has authority to adopt the Zoning Regulations.
- Attached is the proposed changes to Zoning Regulations

Recommendation:

Recommend to adopt the Zoning Regulations as a Model Code for the City.

ORDINANCE NO. 1223-10

AN ORDINANCE ENACTED, APPROVING AND INCORPORATING BY REFERENCE CERTAIN ZONING REGULATIONS GOVERNING THE USE OF LAND AND THE LOCATION OF BUILDINGS WITHIN THE CITY OF VALLEY CENTER, KANSAS, AS PREPARED AND PUBLISHED AS A MODEL CODE IN BOOK FORM BY THE VALLEY CENTER CITY PLANNING COMMISSION PURSUANT TO K.S.A. 12-741, ET. SEQ., AS AMENDED, 12-736, 12-3009 TO 12-3012 INCLUSIVE, 12-3301 AND 12-3302; AND ESTABLISHING ZONING DISTRICT BOUNDARIES AND THE CLASSIFICATIONS OF SUCH DISTRICTS; ADOPTING BY REFERENCE AN OFFICIAL MAP(S) OF ZONING DISTRICTS; DEFINING CERTAIN TERMS USED IN SAID REGULATIONS; REGULATING THE MAXIMUM DIMENSIONS OF BUILDINGS AND OTHER STRUCTURES THROUGH BULK REGULATIONS AND LOT AREAS; REGULATING THE LOCATION AND SIZE OF SIGNS; PROVIDING FOR AND REGULATING VEHICULAR PARKING SPACE; REESTABLISHING THE BOARD OF ZONING APPEALS AND PRESCRIBING ITS DUTIES; PROVIDING FOR THE APPOINTMENT OF A ZONING ADMINISTRATOR AND PRESCRIBING HIS OR HER DUTIES; PROVIDING FOR FEES TO BE CHARGED FOR AMENDMENTS, APPEALS AND PERMITS; ESTABLISHING A MEANS FOR AMENDING SAID REGULATIONS, MAP(S) AND ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF ITS PROVISIONS AND A MEANS OF ENFORCEMENT; AND REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY CENTER, KANSAS:

Section 1. **Adoption:** Zoning regulations are hereby approved and adopted by the Governing Body of the City of Valley Center, Kansas, as prepared and published as a model code in book form by the Valley Center City Planning Commission with the technical assistance of Foster & Associates, Planning Consultants of Wichita, Kansas, and the City Zoning Administrator under the date of December 14, 2010 and entitled " Zoning Regulations of the City of Valley Center, Kansas " and the same are hereby incorporated by reference as fully as if set out herein.

Section 2. **Official Map(s):** There are further herein incorporated by reference and adopted an Official Zoning Map(s) including the current Flood Insurance Rate Map(s) (F.I.R.M.) delineating the boundaries of zoning districts and the classifications of such districts, which maps shall be marked "Official copy of zoning district map(s) incorporated into zoning regulations by adoption of Ordinance No. 1223-10 by the Governing Body of the City of Valley Center on the 21st day of December, 2010" and filed with the Zoning Administrator to be open for inspection and available to the public at all reasonable business hours.

Section 3. **Public Hearing:** The advertised public hearing required by Kansas law was duly held on December 14, 2010 by the Valley Center City Planning Commission, and a discussion of said Zoning Regulations and map(s) was had at the

hearing; and the Zoning Regulations and map(s) in model code form herein adopted are a true and correct copy of those regulations as adopted by the Planning Commission.

Section 4. **Jurisdiction:** From the effective date of this Ordinance, the Zoning Regulations and Official Zoning Map(s) herein incorporated by reference shall govern all use of the land and location of buildings and other structures placed within the City of Valley Center, Kansas.

Section 5. **Official Copies:** Not less than three copies of the Zoning Regulations in book form marked "Official Copy as incorporated by Ordinance No. 1223-10" and to which there shall be a published copy of this Ordinance attached, shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.

Section 6. **Invalidity of a Part:** Any provisions of this Ordinance which shall be declared by a competent court to be unconstitutional or invalid shall not affect the validity and authority of any other sections of said Ordinance.

Section 7. **Repeal:** Ordinance No. 1208-10 is hereby repealed and any other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 8. **Effective Date:** This Ordinance shall take effect from and after its passage, approval and publication once in the official city newspaper.

PASSED BY THE CITY COUNCIL this 21st day of December, 2010.

APPROVED BY THE MAYOR this 21st day of December, 2010.

(SEAL)

/s/ _____
Michael D. McNown, Mayor

ATTEST:

/s/ _____
Kristine A. Polian, City Clerk

APPROVED AS TO FORM ONLY:

/s/ _____
Barry Arbuckle, City Attorney

**VALLEY CENTER PLANNING COMMISSION/BOARD OF ZONING APPEALS
7:00 P.M.
DECEMBER 14, 2010
121 S. MERIDIAN**

Chairman Gary Janzen called the meeting to order at 7:00 p.m. with the following members present: Jaque Davis, Don Bosken, John Dailey, Steve Jackson, Danny Park, and Dee Wretberg.

Members Absent: Ricky Shellenbarger and Kathryn Schroeder

Staff Present: Eldon G. Miller, AICP, CFM, Secretary

Press:

Commissioner Schroeder arrived at 7:01 p.m.

APPROVAL OF THE AGENDA

Chairman Janzen move, seconded by Jackson to move Items 10A & B to between Items 7 & 8 and to approve the agenda as amended. Vote Yea: Unanimous.

MINUTES OF NOVEMBER 9, 2010

Vice-Chairman Davis move, seconded by Janzen to approve the minutes as amended showing that under Items by Planning Commissioners "Davis would: changed to "Davis would like". Vote Yea: Unanimous.

COMMUNICATIONS

ITEMS BY ZONING ADMINISTRATOR

Eldon G. Miller, AICP, CFM gave a presentation on the Community Rating System.

SUBDIVISION COMMITTEE REPORT

None

SITE PLAN REVIEW COMMITTEE REPORT

Eldon G. Miller, AICP, CFM, discussed the meeting on Historical Preservation.

PUBLIC COMMENT

None

NEW BUSINESS

2011 Planning Consultant

Commissioner Schroeder move, seconded by Park to recommend that the City Council approve the contract with Foster & Associates not to exceed \$5,000. Vote Yea: Unanimous.

2011 Planning Calendar

Commissioner Park move, seconded by Davis to approve the 2011 Calendar. Vote Yea: Unanimous.

PUBLIC HEARING -ZONING REGULATION AMENDMENTS

Chairman Janzen opened the public hearing at 7:30 p.m.

Eldon G. Miller, Secretary verified that on November 18, 2010 a notification was published in the Ark Valley News.

No ex parte communication.

Eldon G. Miller, AICP, CFM, Zoning Administrator presented the staff report on the proposed Floodplain Management Regulation. There were no questions from the public.

Eldon G. Miller, AICP, CFM, Zoning Administrator presented the staff report on the proposed Administrative Adjustment. Al Hobson, 531 W. 3rd Street, stated that the present variance process is fixed not broken. This will put it in the City Administrator's – Zoning Administrator's hands. By leaving it the way it is, it is 9 deciding not 1. Also that this is a waste of time it is not broken. Herb Schuttler, 7048 N Chaparral, stated that it takes power from 9 and gives it to 1. Sam Herr, 8147 Buena Vista Drive, stated that it takes power from 9 and gives it to 1. Steve Price, 7035 N. Chaparral, stated that one case does not justify this. The present regulation is fair for both parties. There was also discussion on who is the Zoning Administrator and the concerns by our Planning Consultant about who is signing and enforcing the regulations. Al Hobson stated that per Mr. Pile per City Policy he is the Zoning Administrator.

Eldon G. Miller, AICP, CFM, Zoning Administrator presented the staff report on the proposed metal dwellings regulation. Neal Wretberg, 9929 N. Meridian, stated that you need to be careful about the terms you use. Chairman Janzen stated that we mean external not interior. Neal Wretberg stated that it should match the neighbors.

Eldon G. Miller, AICP, CFM, Zoning Administrator presented the staff report on the proposed Vesting Rights.

The Public Hearing was closed at 9:05 p.m.

Chairman Janzen moved, seconded by Jackson to recommend to the City Council to approve the new Floodplain Management Regulations. Vote Yea: Unanimous.

Commissioner Park moved, seconded by Davis to disapprove the Administrative Adjustments. Vote Yea: Unanimous.

Chairman Janzen moved, seconded by Schroeder to recommend to the City Council to approve the metal dwellings as a conditional use. Vote Yea: Unanimous.

Vice-Chairman Davis moved, seconded by Bosken to recommend to the City Council to approve the new Vesting Rights. Vote Yea: Unanimous.

The meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Eldon G. Miller, AICP, CFM, Secretary

Approved by the Valley Center Planning Commission on January 25, 2011.

Gary Janzen, Chairman

DRAFT

112 **F-P Floodplain District.** Certain areas of the City are periodically subject to flooding which can result in losses due to: (1) the cumulative effect of obstructions in floodways causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from flood damages. This district is designed to permit the gainful use of certain lands which are considered to be in the path of potential floodwaters and from which structures and other valuable property use that is subject to damage by floodwater should be excluded. This would permit surface runoff through such areas in the event of heavy stream flow with a minimum of structural damage or property loss and a minimum of obligation upon the governmental authorities for flood assistance.

FLOODPLAIN MANAGEMENT REGULATIONS

ARTICLE 1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES

SECTION A. STATUTORY AUTHORIZATION

1. *Approval of Draft Regulations by Kansas Chief Engineer Prior to Adoption*

The following floodplain management regulations, as written, were approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture on November 16, 2010.

2. *Kansas Statutory Authorization*

The Legislature of the State of Kansas has in K.S.A. 12-741 *et seq.*, and specifically in K.S.A. 12-766, delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the City Council of the City of Valley Center, Kansas, ordains as follows:

SECTION B. FINDINGS OF FACT

1. *Flood Losses Resulting from Periodic Inundation*

The special flood hazard areas of City of Valley Center, Kansas, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and

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impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

2. *General Causes of the Flood Losses*

These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

3. *Methods Used To Analyze Flood Hazards*

The Flood Insurance Study (FIS) that is the basis of these regulations uses a standard engineering method of analyzing flood hazards, which consist of a series of interrelated steps.

- a. Selection of a base flood that is based upon engineering calculations, which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for these regulations is representative of large floods, which are characteristic of what can be expected to occur on the particular streams subject to these regulations. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials as amended, and any future revisions thereto.
- b. Calculation of water surface profiles that are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
- c. Computation of a floodway required to convey this flood without increasing flood heights more than two (2) foot at any point.
- d. Delineation of floodway encroachment lines within which no development is permitted that would cause **any** increase in flood height.
- e. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of these regulations to promote the public health, safety, and general welfare; to minimize those losses described in Article 1, Section B(1); to establish or maintain the community's eligibility for participation in the National Flood

Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) and K.A.R. 5-44-4 by applying the provisions of these regulations to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

ARTICLE 2 GENERAL PROVISIONS

SECTION A. LANDS TO WHICH REGULATION APPLIES

These regulations shall apply to all lands within the jurisdiction of The City of Valley Center, Kansas identified as numbered and unnumbered A Zones, AE, AO, and AH Zones, on the Index Map dated February 2, 2007 of the Flood Insurance Rate Map (FIRM) and the Index Map dated as amended, and any future revisions thereto. In all areas covered by these regulations, no development shall be permitted except through the issuance of a floodplain development permit, granted by the City Council or its duly designated representative under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article 4.

SECTION B. COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of these regulations and other applicable regulations.

SECTION C. ABROGATION AND GREATER RESTRICTIONS

It is not intended by these regulations to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations imposes greater restrictions, the provisions of these regulations shall prevail. All other regulations inconsistent with these regulations are hereby repealed to the extent of the inconsistency only.

SECTION D. INTERPRETATION

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In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by Kansas statutes.

SECTION E. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These regulations does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create a liability on the part of City of Valley Center or any officer or employee thereof, for any flood damages that may result from reliance on these regulations or any administrative decision lawfully made there under.

SECTION F. SEVERABILITY

If any section; clause; provision; or portion of these regulations is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of these regulations shall not be affected thereby.

ARTICLE 3 ADMINISTRATION

SECTION A. FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article 2, Section A. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

SECTION B. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The City Zoning Administrator is hereby appointed to administer and implement the provisions of these regulations as the Floodplain Administrator.

SECTION C. DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain Administrator shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of these regulations have been satisfied;
2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required by federal, state, or local law;
3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. Issue floodplain development permits for all approved applications;
5. Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;
7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved nonresidential structures have been floodproofed; and
9. When floodproofing techniques are utilized for a particular nonresidential structure, the Floodplain Administrator shall require certification from a registered professional engineer or architect.

SECTION D. APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;

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2. Identify and describe the work to be covered by the floodplain development permit;
3. Indicate the use or occupancy for which the proposed work is intended;
4. Indicate the assessed value of the structure and the fair market value of the improvement;
5. Specify whether development is located in a designated flood fringe or floodway;
6. Identify the existing base flood elevation and the elevation of the proposed development;
7. Give such other information as reasonably may be required by the floodplain administrator;
8. Be accompanied by plans and specifications for proposed construction; and
9. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

ARTICLE 4 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

1. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones, AE, AO, and AH zones, unless the conditions of this section are satisfied.
2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of these regulations. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources.
3. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any unnumbered or numbered A zones, or AE zones on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water

surface elevation of the base flood more than one foot at any point within the community.

4. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and
 - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - (1) All such proposals are consistent with the need to minimize flood damage;
 - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - (4) All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

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5. *Storage, Material, and Equipment*

- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
- b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

6. *Nonconforming Use*

A structure, or the use of a structure or premises that was lawful before the passage or amendment of these regulations, but which is not in conformity with the provisions of these regulations, may be continued subject to the following conditions:

- a. If such structure, use, or utility service is discontinued for 12 consecutive months, any future use of the building shall conform to these regulations.
- b. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

7. *Agricultural Structures*

Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; and a floodplain development permit has been issued.

8. *Accessory Structures*

Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than

400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; and a floodplain development permit has been issued.

9. *Critical Facilities*

- a. All new or substantially improved critical nonresidential facilities including, but not limited, to governmental buildings, police stations, fire stations, hospitals, orphanages, penal institutions, communication centers, water and sewer pumping stations, water and sewer treatment facilities, transportation maintenance facilities, places of public assembly, emergency aviation facilities, and schools shall be elevated above the .2 percent annual chance flood event, also referred to as the 500-year flood level or together with attendant utility and sanitary facilities, be floodproofed so that below the 500-year flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 3, Section C(7)(8)(9).
- b. All critical facilities shall have access routes that are above the elevation of the 500-year flood.
- c. No critical facilities shall be constructed in any designated floodway.

10. *Hazardous Materials*

All hazardous material storage and handling sites shall be located out of the special flood hazard area.

SECTION B. SPECIFIC STANDARDS

1. In all areas identified as numbered and unnumbered A zones, AE, and AH zones, where base flood elevation data has been provided, as set forth in Article 4, Section A(2), the following provisions are required:
 - a. *Residential Construction*

New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of two (2) foot above base

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flood elevation. **The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.**

b. *NonResidential Construction*

New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of two (2) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed to a minimum of two (2) foot above the base flood elevation. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. **The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.** Such certification shall be provided to the Floodplain Administrator as set forth in Article 3, Section C(7)(8)(9).

c. Require, for all new construction and substantial-improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
- (2) The bottom of all opening shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

2. *Cumulative Improvement*

A structure may be improved (remodeled or enlarged) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last five calendar years does not exceed fifty (50) percent of the structure's current market value. If the cumulative value of the improvement exceeds fifty (50) percent of the structure's current market value, the structure must be brought into compliance with Article 4, Section B(1) which requires elevation of residential structures to two (2) foot above the base

flood elevation or the elevation/floodproofing of nonresidential structures to two (2) foot above the base flood elevation.

SECTION C. MANUFACTURED HOMES

1. All manufactured homes to be placed within all unnumbered and numbered A zones, AE, and AH zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
2. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones, AE, and AH zones, on the community's FIRM on sites:
 - a. Outside of a manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to and existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial-damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of two (2) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. **The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.**
3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones, AE and AH zones, on the community's FIRM, that are not subject to the provisions of Article 4, Section C(2) of these regulations, be elevated so that either:
 - a. The lowest floor of the manufactured home is a minimum of two (2) foot above the base flood level; or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than

thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. **The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.**

SECTION D. AREAS OF SHALLOW FLOODING (AO and AH zones)

Located within the areas of special flood hazard as described in Article 2, Section A are areas designated as AO zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply:

1. AO Zones

- a. All new construction and substantial-improvements of residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
- b. All new construction and substantial-improvements of any commercial, industrial, or other nonresidential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community FIRM (at least two (2) feet if no depth number is specified) or together with attendant utilities and sanitary facilities be completely floodproofed to that level so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

2. AH Zones

- a. The specific standards for all areas of special flood hazard where base flood elevation has been provided shall be required as set forth in Article 4, Section B.
- b. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

SECTION E. FLOODWAY

Located within areas of special flood hazard established in Article 2, Section A, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:

1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
2. The community shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in **any** increase in flood levels within the community during the occurrence of the base flood discharge.
3. If Article 4, Section E(2) is satisfied, all new construction and substantial-improvements shall comply with all applicable flood hazard reduction provisions of Article 4.
4. In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources as set forth in Article 4, Section A(2).

SECTION F. RECREATIONAL VEHICLES

Require that recreational vehicles placed on sites within all unnumbered and numbered A zones, AE, AH, and AO zones on the community's FIRM either:

1. Be on the site for fewer than 180 consecutive days, or
2. Be fully licensed and ready for highway use*; or
3. Meet the permitting, elevation, and anchoring requirements for manufactured homes of these regulations.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

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ARTICLE 5 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

SECTION A. ESTABLISHMENT OF APPEAL BOARD (See Section 10-100 of the Zoning Regulations)

The Board of Zoning Appeals as established by the City of Valley Center shall hear and decide appeals and requests for variances from the floodplain management requirements of these regulations.

SECTION B. RESPONSIBILITY OF APPEAL BOARD

Where an application for a floodplain development permit is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit directly to the Appeal Board, as defined in Article 5, Section A.

The Appeal Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of these regulations. (See Section 10-106 of the Zoning Regulations.)

SECTION C. FURTHER APPEALS

Any person aggrieved by the decision of the Appeal Board or any taxpayer may appeal such decision to the Sedgwick County District Court as provided in K.S.A. 12-759 and 12-760.

SECTION D. FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, as authorized by Section 10-107C of the Zoning Regulations, the Appeal Board shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of these regulations, and the following criteria including the five conditions required by K.S.A. 12-759(e) as incorporated into Section 10-107D1 of the Zoning Regulations:

1. Danger to life and property due to flood damage;
2. Danger that materials may be swept onto other lands to the injury of others;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. Importance of the services provided by the proposed facility to the community;

5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations, not subject to flood damage, for the proposed use;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in times of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

SECTION E. CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

1. Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing items two (2) through six (6) below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, repair, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination, provide the proposed activity will not preclude the structure's continued historic designation and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any designated floodway if any significant increase in flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon: (a) showing of good and sufficient cause, (b) determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) determination that the granting of a variance will not result in increased flood heights, additional threats to public

safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or regulations.

6. A community shall notify the applicant in writing over the signature of a community official that: (a) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (b) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by these regulations.

ARTICLE 6 PENALTIES FOR VIOLATION (See Section 9-103C of the Zoning Regulations)

ARTICLE 7 AMENDMENTS

The regulations, restrictions, and boundaries set forth in these regulations may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing by the Planning Commission in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Valley Center. At least twenty (20) days shall elapse between the date of the publication and the public hearing. A copy of such amendments will be provided to the FEMA Region VII office. The regulations of these regulations are in compliance with the NFIP regulations.

ARTICLE 8 DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the same meaning they have in common usage and to give these regulations its most reasonable application. (Note: These definitions are specifically to be used with these floodplain management regulations.)

"100-year Flood" see "*base flood.*"

"Accessory Structure" means the same as "*appurtenant structure.*"

"Actuarial Rates" see "*risk premium rates.*"

"Administrator" means the Federal Insurance Administrator.

"Agency" means the Federal Emergency Management Agency (FEMA).

"Agricultural Commodities" means agricultural products and livestock.

"Agricultural Structure" means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

"Appeal" means a request for review of the Floodplain Administrator's interpretation of any provision of these regulations or a request for a variance.

"Appurtenant Structure" means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

"Area of Shallow Flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the structure having its floor subgrade (below ground level) on all sides.

"Building" see "structure."

"Chief Engineer" means the chief engineer of the Division of Water Resources, Kansas Department of Agriculture.

"Chief Executive Officer" or "Chief Elected Official" means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

"Community" means any state or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to; buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

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"Elevated Building" means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Eligible Community" or "Participating Community" means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

"Existing Construction" means for the purposes of determining rates, structures for which the *"start of construction"* commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *"Existing construction"* may also be referred to as *"existing structures."*

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"Flood Fringe" means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

"Flood Hazard Map" means the document adopted by the governing body showing the limits of: (1) the floodplain; (2) the floodway; (3) streets; (4) stream channel; and (5) other geographic features.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (see "Flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

"Floodplain Management Regulations" means zoning regulations, subdivision regulations, building codes, health regulations, special purpose regulations (such as floodplain and grading regulations) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

"Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floodway Encroachment Lines" means the lines marking the limits of floodways on federal, state and local floodplain maps.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. *"Freeboard"* tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on the State Inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of Historic Places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor; **provided**, that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of these regulations.

"Manufactured Home" means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *"manufactured home"* **includes** a *"mobile home"* **but does not include** a *"recreational vehicle."*

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

"Market Value" or "Fair Market Value" means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

"Mean Sea Level" means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

"New Construction" means, for the purposes of determining insurance rates, structures for which the *"start of construction"* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *"new construction"* means structures for which the *"start of construction"* commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

"(NFIP)" means the National Flood Insurance Program (NFIP).

"Participating Community" also known as an *"eligible community,"* means a community in which the Administrator has authorized the sale of flood insurance.

"Permit" means a signed document from a designated community official authorizing development in a floodplain, including all necessary supporting documentation such as: (1) the site plan; (2) an elevation certificate; and (3) any other necessary or applicable approvals or authorizations from local, state or federal authorities.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including federal, state, and local governments and agencies.

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

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"Reasonably Safe From Flooding" means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

"Recreational Vehicle" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently able to be towed by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Remedy A Violation" means to bring the structure or other development into compliance with federal, state, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

"Risk Premium Rates" means those rates established by the Administrator pursuant to individual community studies and investigations, which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. *"Risk premium rates"* include provisions for operating costs and allowances.

"Special Flood Hazard Area" see *"Area of Special Flood Hazard."*

"Special Hazard Area" means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A, AO, AE, or AH.

"Start of Construction" includes substantial-improvements, and means the date the building permit was issued; provided, the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The **actual start** means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the **actual start of construction** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" means the Division of Water Resources, Kansas Department of Agriculture, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

"Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *"Structure"* for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation, or a travel trailer, without wheels on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

"Substantial-Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial-Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before *"start of construction"* of the improvement. This term includes structures, which have incurred *"substantial-damage,"* regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a *"historic structure,"* provided that the alteration will not preclude the structure's continued designation as a *"historic structure."*

"Temporary Structure" means a structure permitted in a district for a period not to exceed 180 days and is required to be removed upon the expiration of the permit period. Temporary structures may include recreational vehicles, temporary construction offices, or temporary business facilities used until permanent facilities can be constructed, **but at no time shall it include manufactured homes used as residences.**

"Variance" means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by these regulations is presumed to be in violation until such time as that documentation is provided.

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"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain riverine areas.

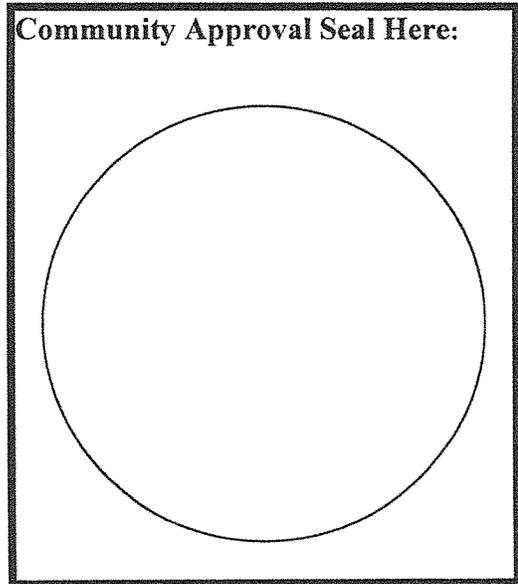
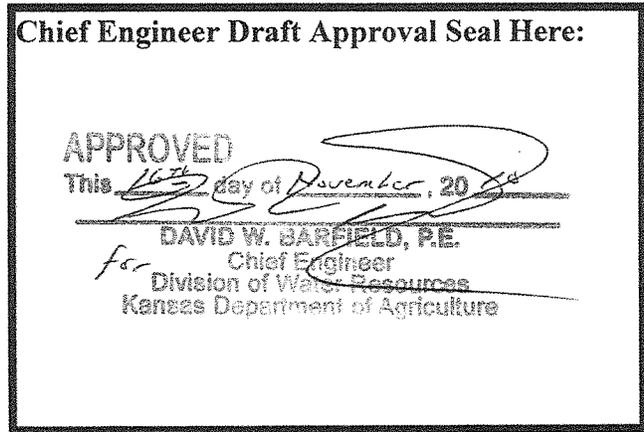
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ARTICLE 9 CERTIFICATE OF ADOPTION

These Floodplain Management Regulations for the community of The City of Valley Center, Kansas.

PASSED AND ADOPTED by the Governing Body of The City of Valley Center, Kansas.

This _____ day of _____, 2010.



APPROVED:

Signature of Chief Executive Officer/Chief Elected Official Date

MICHAEL D. MCNOWN, MAYOR
Chief Executive Officer/Chief Elected Official Name (Typed/printed) Title

ATTEST:

Signature of Recording Clerk Date

KRISTINE A. POLIAN, CITY CLERK

Recording Clerk Name (Typed/printed) Title

Published in Official News publication The Ark Valley News.

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101 A-1 Agricultural District. This district is established to accommodate existing uses and to serve as an interim zone following a period of annexation of a predominantly agricultural or undeveloped area which may also contain scattered, low density residential land uses. Selected uses are included which may be compatible in such a district at certain locations.

C. Conditional Use.

1. Accessory apartments.
2. Bed and breakfast homes and inns.
3. Dog kennels for boarding, breeding and training and for hobbies. (See Section 2-102 for definitions and standards.)
4. Earth-sheltered dwellings, provided that the design is compatible with adjacent properties including such items as drainage, parking and accessory structures.
5. Metal building specifically designed for use as single-family detached dwellings; provided, that the design is compatible with adjacent properties including such items as aesthetic appearance, parking and accessory structures.
6. Utility substations, pumping stations and water towers, publicly and privately owned. (See Section 3-103G for Lot Size and Bulk Regulations.)

102 RR-1 Suburban Residential District. This district is established for the purpose of low-density single-family dwelling units with either public sewerage or water supply where available or private sewerage or water system and to allow certain community facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing therein. Regulations are intended to control density of population and to provide adequate open space around buildings and structures to accomplish these purposes.

C. Conditional Uses.

1. Accessory apartments. (See Section 2-102 for definition of ACCESSORY APARTMENT.)
2. Adult and child care centers and preschools.
3. Bed and breakfast homes.
4. Dog Kennel for boarding, breeding and training and for hobbies. (See Section 2-102 for definitions and standards.)
5. Earth-sheltered dwellings, provided that the design is compatible with adjacent properties including such features as drainage, parking and accessory structures.
6. Metal building specifically designed for use as single-family detached dwellings; provided, that the design is compatible with adjacent properties including such items as aesthetic appearance, parking and accessory structures.
7. Utility substations, pumping stations and water towers, publicly and privately owned. (See Section 3-103G for Lot Size and Bulk Regulations.)

103 R-1 Single-Family Residential District. This district is established for the purpose of low density single-family dwelling units with both public sewerage and water supply where available and to allow certain community facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing therein. Regulations are intended to control density of population and to provide adequate open space around buildings and structures to accomplish these purposes.

C. Conditional Uses.

1. Accessory apartments. (See Section 2-102 for definition of ACCESSORY APARTMENT.)
2. Adult and child care centers and preschools.
3. Bed and breakfast homes.

4. Earth-sheltered dwellings, provided that the design is compatible with adjacent properties including such features as drainage, parking and accessory structures.
5. Metal building specifically designed for use as single-family detached dwellings; provided, that the design is compatible with adjacent properties including such items as aesthetic appearance, parking and accessory structures.
6. Swimming, tennis, racquetball and similar recreational club activities and related clubhouses.
7. Utility substations, pumping stations and water towers, publicly and privately owned. (See Section 3-103G for Lot Size and Bulk Regulations.)
8. WECS

104 R-2 Single-Family Residential District. This district is established for the purpose of medium density single-family dwelling units with both public sewerage and water supply and to allow certain community facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing therein. Regulations are intended to control density of population and to provide adequate open space around buildings and structures to accomplish these purposes.

C. Conditional Uses.

1. Accessory apartments. (See Section 2-102 for definition of ACCESSORY APARTMENT.)
2. Adult and child care centers and preschools.
3. Bed and breakfast homes.
4. Earth-sheltered dwellings, provided that the design is compatible with adjacent properties including such features as drainage, parking and accessory structures.
5. Metal building specifically designed for use as single-family detached dwellings; provided, that the design is compatible

with adjacent properties including such items as aesthetic appearance, parking and accessory structures.

6. Swimming, tennis, racquetball and similar recreational club activities and related clubhouses.
7. Utility substations, pumping stations and water towers, publicly and privately owned. (See Section 3-103G for Lot Size and Bulk Regulations.)

ARTICLE 2. INTERPRETATION, CONSTRUCTION AND DEFINITIONS

100 Rules of Interpretation.

- A. Minimum Requirements. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare.
- B. Overlapping or Contradictory Regulations. Where the conditions imposed by the provisions of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- C. Private Agreements. The provisions of these regulations are not intended to abrogate any lawful and valid easement, deed restriction, covenant or other private agreement of legal relationship; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such private agreements, the requirements of these regulations shall govern. The City does not have a responsibility to enforce such private agreements.
- D. Unlawful Uses. No use of land or structure which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful use or structure is in conflict with the requirements of these regulations, said use or structure remains unlawful hereunder.
- E. Not a Licensing Regulation. Nothing contained in these regulations shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any structure or facility or to carry on any trade, industry, occupation or activity.
- F. Effect on Existing Permits. 1. For all purposes, nothing in these regulations shall be deemed to require any change in plans, construction or designated use of any land or structure in the event that: (See Section 2-100G for Vesting of Development Rights.)

- a.) A zoning permit for such use of land or structure was lawfully issued prior to the effective date of these regulations or the effective date of any amendment thereof; and
 - b.) Such permit had not by its own terms expired prior to such effective date; and
 - c.) Such permit was issued on the basis of an application showing complete plans for proposed construction and/or use; and
 - d.) There has been a substantial change of position, substantial expenditure, substantial work performed or incurrence of substantial obligations by the permit holder in reliance on such permit other than purchase of land or preparation of design plans; and
 - e.) Such issuance of a permit and change of position, expenditures, work or incurrence of obligations were made prior to the effective date of an amendment of these regulations which amendments would have made illegal the issuance of such permit; and
 - f.) Construction pursuant to such permit is completed prior to the expiration of such permit; and
 - g.) When the use of land or a structure is completed under a permit to which this Section 2-100F applies, an occupancy certificate shall be issued in accordance with the zoning regulations in effect at the time the zoning permit was issued.
2. For all purposes other than residential developments, if substantial amounts of work have not been completed within 5 years of the issuance of such a permit, the development rights shall expire and current regulations shall apply if work is to continue under a new permit. This applies to all uses of land within a land-use classification.

NEW BUSINESS

B. FLOODPLAIN COMMUNITY RATING SYSTEM:

- Community Development Officer Memo
- Administrative Procedures for Implementing Floodplain Management for Valley Center

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to approve Floodplain Community Rating System Application and authorize Mayor to sign and appoint Community Development Director as the Community Rating System Coordinator.

DATE: December 15, 2010
TO: Mayor McNown and City Council
FROM: Eldon G. Miller, AICP, CFM, Community Development Officer
RE: Community Rating System

Proposed Agenda Date: December 21, 2010

Background:

- National Flood Insurance Program
- Offers reasonable price flood insurance
- Comply with minimum standards
- Recognizes community efforts beyond the minimum standards
- CRS is similar to but separate from the private insurance industry's programs for fire suppression and building code enforcement
- CRS gives discounts on flood insurance premiums range from 5% to 45%
- Discount is provided as an incentive for new flood protection activates
- Community must undertake some or all of the 18 activates in the CRS Manual
- CRS assigns credit points for each activity

Financial Considerations:

- None, Community Development Officer is already doing most of the activates.

Legal Considerations:

- The City has the authority to became part of the CRS

Policy Considerations:

- The City has the authority to became part of the CRS

Recommendation:

Recommend submitting the CRS application and authorize the Mayor to sign. Also appoint Community Development Director as the CRS Coordinator.

ADMINISTRATIVE PROCEDURES FOR IMPLEMENTING

Floodplain Management

For

Valley Center

I. Duties of the Floodplain Administrator

Duties of the Zoning/Subdivision Administrator, designated as the Floodplain Administrator in the above referenced ordinance(s):

- ◆ Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this resolution have been satisfied;
- ◆ Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
- ◆ Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- ◆ Issue floodplain development permits for all approved applications;
- ◆ Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- ◆ Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse; and
- ◆ Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
- ◆ Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been flood proofed; and
- ◆ When flood proofing techniques are utilized for a particular non-residential structure, the Floodplain Administrator shall require certification from a registered professional engineer or architect.

II. Floodplain Development Permitting System

A. Submittal of Floodplain Development Permit Application

- ◆ Floodplain Development Permits are turned in to the Floodplain Manager in the Community Development Department in City Hall.
- ◆ The fee for a Floodplain Development Permit is \$50.00 as established by the governing body of Valley Center.
- ◆ The numbering system for Floodplain Development Permits shall be as follows. First are the letters "FD" designating floodplain development; second are the letters "VC" designating Valley Center. The next four digits are the year the permit is issued. The following numbers shall be a number assigned in order as each permit is issued beginning with 001.
- ◆ Floodplain Development Permits may need to be accompanied by the following documents: building plans, an elevation certificate, encroachment survey, a site map showing the location of the proposed development, non-residential floodproofing certificate, a FIRMette, no-rise certification, building permits, sanitation permit, and copies of any required state and federal permits. For some minor projects there will not be any additional documents. The required documentation will be determined for each individual permit.

B. Reviewing the Floodplain Development Permit Application

- ◆ During the review of Floodplain Development Permit the property will be found and checked on flood maps. It will be determined which flood zone the property is located in. It will also be determined if the property is a floodway. A FIRMette or a GIS map of the area will be made. The development site will be marked on the map.

C. Review documentation for compliance with technical requirements of community's floodplain management ordinance:

- ◆ The Floodplain Manager will review documents such as Floodplain Development Permits or Elevation Certificates for accuracy. If the Floodplain Manager is absent a preliminary review will be conducted by the City Administrator. In the event the City Administrator or the Floodplain Manager require technical assistance they will consult with City Engineer.

D. Review of engineering documents

- ◆ Copies of Engineering Documents may be sent to the City Engineer using the postal or email for review.

- ◆ Examples of engineering documents linked to NFIP requirements are hydrologic and hydraulic calculations, loading calculations and methods of construction relative to floodproofing, alternative designs for openings below lowest floor, and design and methods of construction for breakaway walls exceeding SOP loading resistance of 20 pounds per square foot.

E. Approval or denial of a floodplain development permit application:

- ◆ **Approval** – The approved permit is signed by the Floodplain Manager. A copy is provided upon request to the applicant.
- ◆ **Conditional Approval** – If a permit receives conditional approval the reasons will be noted on a separate sheet of paper attached to the permit. Reason for conditional approval could be waiting for a finished construction elevation certificate.
- ◆ **Denial** – If a permit is denied the reasons for denial will be noted on a separate piece of paper and attached to the permit form. The applicant will be notified in writing and given a copy of the reasons for denial.

III. Inspection Process

A. Inspection

Sedgwick County Code Enforcement does all the inspections for the City of Valley Center. The city does require a builder to get a elevation certificate for minimum pad elevation of a new building when a minimum pad elevation is shown on the plat or PUD. A survey is required on all platted lots or unplatted tracts of land that have a FEMA mapped Zones A, AE, AH or AO floodplain prior to a building permit being issued. The owner/applicant must obtain the services of a licensed land surveyor to complete the following:

- (1) Locate and set stakes identifying the limits of the mapped Zones A, AE, AH or AO.
- (2) Locate and stake the four (4) corners of the proposed structure site.
- (3) Set a reference elevation point (benchmark) for the construction of the proposed structure. The elevation datum is to be NAVD88.
- (4) The owner/applicant must submit a certified drawing by the surveyor to Community Development showing the location of:
 - The mapped floodplain,
 - The proposed structure site,
 - Ground elevations,
 - The reference elevation point (benchmark)
 - The proposed elevation of the lowest opening to the structure to be approved before a building permit is issued.

IV. Enforcement Actions

- ◆ When a violation is identified the property owner will be sent a certified letter that identifies the problem and establishes a time line for correction. A copy of the receipt for the letter will be kept on file with a copy of the letter. Additional copies of the letter will be sent to Division of Water Resources. If a second letter is sent because of no response from the first letter, it is sent to the City Attorney with a copy to the property owners, 30 days after the first letter is sent.
- ◆ The first step in resolving a violation involves a meeting with the property owner. In some cases violations could be resolved by removal of material stored in flood area, the property owner applies for the proper permits, the property owner consults with an engineer or land surveyor, or a finished elevation certificate is provided by the property owner to the Floodplain Manager. Each violation will be handled on a case-by-case basis. If the property owner refuses to cooperate or the violation continues there are enforcement procedures in the Zoning Regulations of the City of Valley Center, Kansas.
- ◆ When a successful resolution can be agreed on the Floodplain Manager will verify it through either review of documents or a site visit.

V. Variances

- ◆ A Variance from the Zoning Regulation Application Form is completed when requesting a variance.
- ◆ The Valley Center Board of Zoning Appeals will hear requests for a variance. The fee for requesting a variance is \$175. Applicants requesting a variance must notify the Floodplain Manager per the approved Valley Center Planning Commission & Board of Zoning Appeals Schedule. The person requesting the variance must provide documents to the Floodplain Manager per the approved Valley Center Planning Commission & Board of Zoning Appeals Schedule. Supporting documents for a variance to the permitting requirements should be in accordance with Article 10-107 of the Zoning Regulations of the City of Valley Center, Kansas.
- ◆ A variance may be granted by a majority vote of the Valley Center Board of Zoning Appeals.
- ◆ The applicant will be notified of the variance by certified mail. A copy of the letter will be maintained in the Floodplain Manager's office at City Hall. The following information will be contained in the letter when a variance is granted. "A community shall notify the applicant in writing over the signature of a community official that: (a) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (b) such construction

below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.”

A numbering system for variances will be similar to the system for permits. The letters FV for floodplain variance, letters VC for Valley Center followed by four digits for the year, and a three digit numerical value beginning with 001.

VI. Record Keeping System

- ◆ Floodplain Development Permits will be filed in the Floodplain Manager’s office in the City Hall. The Floodplain Manager will be responsible for maintaining records of Floodplain Development Permits as well as Elevation Certificates, LOMAs, and Non-Residential Floodproofing Certificates.
- ◆ Blank forms are available on request from the Floodplain Manager in City Hall. Forms can be sent on request by fax or regular mail. The Floodplain Development Form is available on the web site www.valleycenter-ks.gov to be downloaded.

VII. Map Appeals and Revisions

- ◆ A copy of each LOMA/LOMR must be filed with the official community floodplain map (FIRM/FHBM/FBFM/FIS). Notification to the landowner is not required in those cases where a LOMA was granted at the landowner’s request.
- ◆ FEMA flood maps are available for review at City Hall in the Floodplain Manager’s office. Flood maps can be viewed on the internet at www.msc.fema.gov.
- ◆ Any other sources for determining flood data will be stored in the Floodplain Manager’s office.

VIII. Investigate Complaints

- ◆ A complaint about an issue in the floodplain can be made to the Floodplain Manager. If the Floodplain Manager is not available notify the City Administrator. Complaint Forms are available to be completed with as much information as possible.
- ◆ An investigation typically will involve a site visit. If possible a photo will be taken of the violation. A certified letter stating the complaint will be sent to the owner of record of the property where the violation is occurring. A file will be started. A similar system to variance and permits. In this case the first two letters will be FC for floodplain

complaint. Copies of letters, photos, and other documents will be kept in the file. The Division of Water Resources will be notified about the complaint as well. In some cases a State permit may be required and in other cases simply to notify the NFIP Coordinator for State of Kansas.

- ◆ Complaint files will be kept in the Floodplain Manager's office. The Floodplain Manager's office is located at City Hall.

◆
IX. Certification of Adoption

These Administrative Procedures for Floodplain Management for the community of _____ shall be in full force and effect from and after this _____ day of _____, 20__.

 Chief Executive Officer/Chief Elected Official (Signature)

 Printed Name Title

ATTEST:



 Signature of Recording Clerk

 Printed Name Title

Appendices

A copy of the community's floodplain development permit, an elevation certificate, and other administrative forms listed in the administrative procedures (Floodplain Development Permit, variance requests, etc.) should be attached as appendices to these administrative procedures prior to adoption.

NEW BUSINESS

C. CONSIDERATION of CEMETERY ROAD DESIGN CONTRACT with P.E.C.:

- P.E.C. Cemetery Road Design Contract
- Consideration of Agreement with Alpha Land Surveys, Inc.
- Planners Rendering of Valley Center Cemetery

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to APPROVE or DENY Cemetery Road Design Contract with P.E.C.

AND

APPROVE or DENY Agreement with Alpha Land Surveys, Inc. for land survey as described in Agreement



December 9, 2010

City of Valley Center
121 S. Meridian
PO Box 188
Valley Center, KS 67147

Attention: Joel Pile, City Administrator

Reference: Valley Center Cemetery Road Design
PEC Project No. 35-10000-2502

Dear Mr. Pile:

This letter is written to serve as an agreement between the City of Valley Center (CLIENT) and Professional Engineering Consultants, P.A. (PEC) to provide professional services for the design of street and drainage improvements for the Valley Center Cemetery Road, hereinafter called the PROJECT.

Specifically, PEC proposes to perform the Scope of Services as outlined in Paragraph A. below, which are provided for your review and approval.

A. Scope of Services:

1. Participate in a concept meeting to formalize PROJECT specifics, including budget and project schedule.
2. Review road options and costs for improvements.
3. Prepare storm water pollution prevention plan (erosion control) and assist with completion of KDHE Notice of Intent form.
4. Prepare preliminary plans and supplemental specifications in accordance with City of Valley Center design criteria.
5. Provide preliminary plans for CLIENT review, including a preliminary construction cost estimate.
6. Prepare access permit application for Sedgwick County approval.
7. Prepare encroachment agreement, as required, for any pipeline easements.
8. Assist the CLIENT in the conduct of meetings as required.
9. Prepare final plans, supplemental specifications and contract documents in accordance with comments received from the CLIENT after review of the preliminary plans.
10. Provide final plans, specifications and contract documents for letting the PROJECT.
11. Provide a final engineer's construction cost estimate.
12. Assist the CLIENT in advertising or notification of prospective bidders, taking of bids and awarding of the work on the PROJECT.

Mr. Joe Pile
December 9, 2010
Page 2

- 13. Provide construction administration services, which will include review of material submittals, conduct a preconstruction conference, preparation of all required documentation for the PROJECT (change orders, responses to requests for information, completion certificate, etc., review of pay requests and final inspection.

B. Responsibility of CLIENT:

The CLIENT agrees to provide the following pursuant to PEC accomplishing the Scope of Services outlined herein.

- 1. Participate in a concept meeting to formalize PROJECT specifics, including budget and project schedule.
- 2. Provide prompt review of plans submitted by PEC.
- 3. Assist with bidding of the PROJECT.
- 4. If necessary, provide access to CLIENT property and adjoining properties.

C. Exclusions:

The following shall be specifically excluded from the Scope of Services to be provided by PEC.

- 1. Alternative designs for the site. If this is required during the design phase, additional fees will be negotiated.
- 2. Geotechnical Investigations.
- 3. Platting, zoning or the associated filing fees.
- 4. Environmental assessments or clearances.
- 5. As-built drawings.
- 6. Retaining wall design.
- 7. Survey services.
- 8. Inspection services.

D. Payment Provisions:

PEC proposes to perform the Scope of Services on the basis of a Lump Sum fees as follows:

Design Services	\$7,800
Construction Administration Services	\$2,000

Mr. Joe Pile
December 9, 2010
Page 3

Unless otherwise agreed upon, billings will be made upon completion of each respective portion of the PROJECT. Taxes are not included in stated fees. CLIENT shall reimburse PEC for any sales, use and value-added taxes, which apply to these services.

E. Time of Performance:

PEC proposes to begin work on the PROJECT within 7 days following receipt of an executed copy of this agreement and to complete the Scope of Services in accordance with a mutually agreed schedule exclusive of any delays beyond the control of PEC.

This letter and the "Standard Conditions" attached hereto comprise the entire agreement between the CLIENT and PEC. They may be altered only by Supplemental Agreement.

Thank you for contacting us to provide professional services on the subject PROJECT. Should you have questions or if additional information is required, please do not hesitate to call. Return receipt of an executed copy of this letter will serve as our contract and notice to proceed with the work.

Very truly yours,

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

Benjamin Mabry, P.E.
Project Engineer

BMM/tac

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

By:
Michael D. Kelsey, P.E., Principal

Date: 12/13/10



ACCEPTED:

CITY OF VALLEY CENTER

By: _____

Title: _____

Date: _____

PEC STANDARD CONDITIONS

1. **STANDARD OF CARE:** Professional Engineering Consultants, P.A., its officers, directors, employees, agents, shareholders, partners, consultants, sub-consultants, contractor, and sub-contractors (collectively "PEC") shall provide professional services to Client, its officers, directors, employees, agents, owners, members, shareholders, partners, consultants, sub-consultants, contractors, and sub-contractors, (collectively "Client") according to the agreed upon scope of services. PEC will perform the services with the level of care and skill ordinarily exercised by other consultants of the same profession under similar circumstances at the time the services are performed, and in the same locality.
2. **USE OF DOCUMENTS:** Drawings, specifications, reports, programs, manuals, cost estimates, or other documents, including documents on electronic media, prepared under this Agreement are instruments of service and as such are only applicable to the subject PROJECT. Use of these documents for any other purpose without written authorization and consent of PEC is prohibited. PEC shall retain ownership thereof.
3. **INSURANCE:** PEC and the Client agree to each maintain statutory Worker's Compensation, Employer's Liability Insurance, General Liability Insurance, and Automobile Insurance coverage for the duration of this agreement. Additionally, PEC will maintain Professional Liability Insurance for PEC's negligent acts, errors, or omissions in providing services pursuant to this Agreement. If the Client is a design professional, then the Client agrees to maintain Professional Liability Insurance for its negligent acts, errors, or omissions in providing services pursuant to this Agreement. If a project is Design-Build, the Client and all subcontractors providing professional design or other services (e.g., architects, engineers, inspectors) shall maintain professional or similar liability insurance for claims arising from its negligent performance of said services. Proof of insurance shall be provided, upon request, prior to commencement of said services.
4. **NO GUARANTEE:** PEC does not provide a warranty or guarantee, express or implied, for any portion of the scope of services including drawings, specifications, reports, programs, manuals, cost estimates, or other documents of service. PEC does not warrant or guarantee any certification of the project, including any level of LEED certification. Items of beneficial use to the Owner, whether or not included in the contract documents, shall be paid for by the Owner. The provisions of this paragraph shall apply notwithstanding any statement or language contained in any other document or agreement that might be related to the project.
5. **INDEMNIFICATION/HOLD HARMLESS:** PEC agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Client and its employees from any liability, damages, or costs (including reasonable attorneys' fees and costs of defense) resulting from PEC's negligent acts, errors, or omissions through services provided pursuant to this Agreement by PEC or anyone for whom PEC is legally liable. The Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless PEC, its employees and subconsultants from any liability, damages, or costs (including reasonable attorneys' fees and costs of defense) resulting from the negligent acts, errors, or omissions by Client or those contractors, subcontractors, consultants, or anyone for whom Client is legally liable, and arising from the project(s) that is the subject of this agreement. PEC is not obligated to indemnify the Client in any manner whatsoever for the Clients' own negligence. If any liability, damages, or costs (including reasonable attorneys' fees and costs of defense) result from the concurrent negligence of PEC and the Client, this indemnification shall only apply to the extent of each party's proportion of the responsibility.
6. **DISPUTES:** Any action or claims arising out of or related to this Agreement or the project that is the subject of this Agreement shall be governed by Kansas law. Good faith negotiation and mediation are express conditions precedent to the filing of any legal action. Mediation shall be conducted in accordance with the latest edition of the Construction Mediation Rules of the American Arbitration Association.
7. **ASSIGNMENT OR SUBLETTING OF CONTRACT:** Client shall not assign, transfer, or sublet any rights, duties, or interests accruing from this Agreement without the prior written consent of PEC. This Agreement shall be binding upon the Client, its successors and assigns.
8. **NON PAYMENT/TERMINATION OF AGREEMENT:** If the Client fails to make payment for services and expenses within 30 days following receipt of an invoice, PEC may, after giving seven days written notice to the Client, without liability for delay charges, suspend services under this Agreement until PEC has been paid in full for all amounts due. Each party to this Agreement reserves the right to terminate the Agreement at any time, without cause, upon 15 days written notice and subject to payment to PEC for the value of services rendered up to the time of termination.
9. **DIFFERING SITE CONDITIONS:** The conditions at the site are the property of the Client/Owner regardless of whether or not they could be identified by an investigation or exploration conducted according to the professional standard of care. A "Differing Site Condition" is a subsurface, hidden, latent, or physical condition at a project site/building not revealed by the site exploration, site investigation, or other information provided to the Client and which cannot be reasonably anticipated. Special risks occur whenever engineering is applied to identifying site/building conditions. Even a comprehensive investigation according to the professional standard of care may not detect all subsurface or site/building conditions. PEC shall not be liable for site/building conditions which could not be identified by such an investigation or exploration. Accordingly, the Owner/Client agrees to indemnify, including all costs and attorney fees, and hold PEC harmless from all claims for Differing Site Conditions, provided PEC performs the services specified in the Contract in a manner reasonably conforming to the terms of the Contract and to the Standard of Care.
10. **EXTRA WORK:** Services not specified in the Scope of Services set forth in this Agreement or due to regulatory changes shall be considered "extra work". No "extra work" will be performed without additional compensation per a supplemental agreement.
11. **FORCE MAJEURE:** The Client shall not hold PEC responsible for damages or for delays in performance caused by force majeure, acts of God, or other acts or circumstances beyond the control of PEC, or that could not have been reasonably foreseen and prevented including, but not limited to, fire, weather, floods, earthquakes, epidemics, war, riots, terrorism, strikes, and unanticipated site conditions.
12. **AGREEMENT SOLELY FOR PARTIES' BENEFIT:** This agreement is solely for the benefit of PEC and Client. Nothing herein is intended in any way to benefit any third party or otherwise create any duty or obligation on behalf of PEC or Client in favor of such third parties.
13. **LIMITATION OF LIABILITY:** To the fullest extent permitted by law, PEC's total liability to Client is limited to the greater of \$50,000 or two times PEC's fee, for any and all damages or expenses arising out of this Agreement from any cause(s) or under any theory of liability. In no event shall PEC be liable for consequential damages, including, without limitation, loss of use or loss of profits, incurred by Client or its subsidiaries or successors, regardless of whether such damages are caused by breach of contract, willful misconduct, negligent act or omission, or other wrongful act of either of them.



Alpha Land Surveys, Inc.

One East Ninth Avenue
Hutchinson, KS 67501

Phone: 620-728-0012
Fax: 620-728-0413

December 8, 2010

Neal Owings, Park Superintendent
City of Valley Center
Department of Parks & Facilities
545 West Clay
Valley Center, KS 67147
Ph: 316-755-7320
Fx: 316-755-7324

RE: Establish block corner and mid point monuments in the Valley Center Cemetery and topographic survey for road improvements, Valley Center, Kansas.

Dear Neal,

Alpha Land Surveys, Inc. is pleased to provide a quote for the above referenced project. The scope of work included in this proposal is as follows:

- Establish horizontal and vertical control
- Build, locate, drill, place, tamp and set monuments (city is to supply 4" PVC 24" long and concrete for project) (estimated 130 monuments)
- Perform topographic survey per plan provided by Mike Kelsey with Professional Engineering Consultants

Our fee for setting of monuments is base upon the construction and installation of the monuments and at the rate of \$42.00 per monument. In pricing the monuments per each it allows the total number of monuments to verify. The final billing fee will be based upon the number of monuments constructed and placed in the field.

Our fee for performing the topographic survey work is a not to exceed price of \$2,000.

A signature below and a return copy of this proposal to our office will indicate our notice to proceed with the project. If you should have any questions regarding this proposal please contact our office at (620) 728-0012. Thank you for the opportunity to quote this project.

Sincerely,

Raymond D. Bretton

S:\Documents\Proposals\2010\Valley Center Cemetery 02042010.doc

Date

Signature

Mike Kelsey - Cemetery Lot Pin Estimate

From: "Neal Owings" <nowings@valleycenterks.org>
To: "Mike Kelsey" <Mike.Kelsey@pec1.com>, "Raymond Bretton - Alpha Land Su...
Date: 12/9/2010 10:38 AM
Subject: Cemetery Lot Pin Estimate
CC: "Joel Pile " <jpile@valleycenterks.org>

Mike & Raymond,

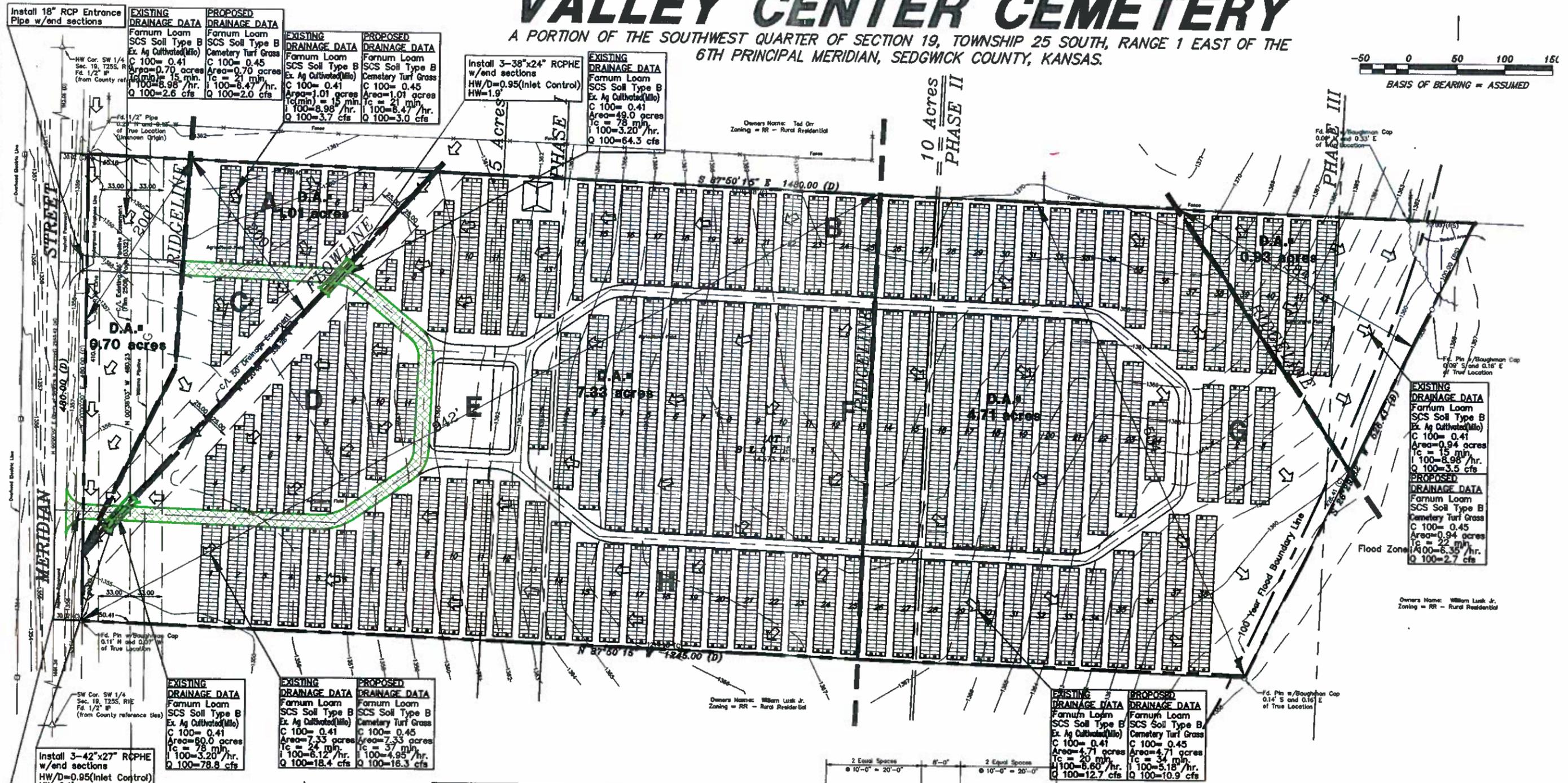
FYI:

Based on the proposed cemetery road, I believe that we will need 166 pins to be able to open all of the surrounding lots. At \$42 per pin that comes to \$6,972.

Neal Owings
Park & Building Superintendent
City of Valley Center
Department of Parks & Public Buildings
545 W. Clay PO Box 188
Ph# 316-755-7320
Fax# 316-755-7324
www.valleycenterks.org

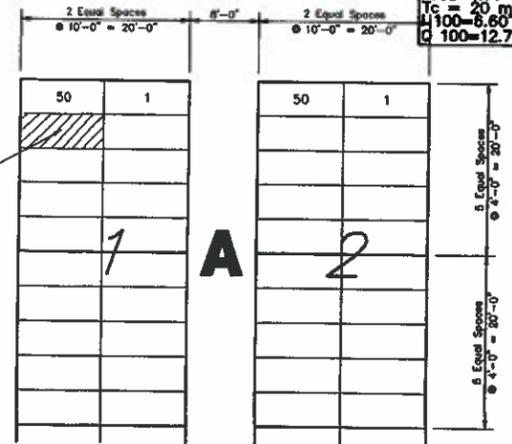
VALLEY CENTER CEMETERY

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 25 SOUTH, RANGE 1 EAST OF THE 6TH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS.



DRAINAGE PLAN FOR
VALLEY CENTER CEMETERY
 VALLEY CENTER, SEDGWICK COUNTY, KANSAS
 CED PROJ. NO.: 2002962
CERTIFIED ENGINEERING DESIGN, P.A.
 810 WEST DOUGLAS, SUITE C
 WICHITA, KANSAS 67203
 PH.(316)282-8808 FAX.(316)282-1669

DESIGNED: HOF SCALE: 1" = 50' SHEET 1



VALLEY CENTER CEMETERY ROAD
 EXHIBIT A

NEW BUSINESS

D. ORDINANCE # 1221-10, CITY BOUNDRY ORDINANCE:

This Ordinance is currently not available from P.E.C. but will be ready for review at the Council Meeting.

Should Council choose to proceed,

RECOMMENDED ACTION:

Staff recommends motion to adopt Ordinance 1221-10, describing City of Valley Center Boundaries.

CONSENT AGENDA

A. REVENUE and EXPENSE FINANCIAL SUMMARIES **for NOVEMBER 2010**

B. PROPOSED 2011 AGREEMENT WITH FOSTER AND **ASSOCIATES**

RECOMMENDED ACTION:

Staff recommends motion to approve the Consent Agenda as presented.

CONSENT AGENDA

A. REVENUE and EXPENSE FINANCIAL SUMMARIES for NOVEMBER 2010:

- *GENERAL FUND*
- *EMPLOYEE BENEFITS FUND*
- *LIBRARY*
- *SPECIAL HIGHWAY*
- *EMERGENCY EQUIPMENT RESERVE*
- *BOND AND INTEREST*
- *WATER OPERATING*
- *STORMWATER OPERATING*
- *SEWER OPERATING*

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CITY OF VALLEY CENTER
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010-GENERAL FUND
FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>							
TAXES	1,006,510.00	0.00	0.00	967,810.57	0.00	38,699.43	96.16
INTERGOVERNMENTAL	470,527.00	35,912.85	0.00	413,508.08	0.00	57,018.92	87.88
LICENSES & PERMITS	512,760.00	47,270.14	0.00	479,024.71	0.00	33,735.29	93.42
CHARGES FOR SERVICES	6,900.00	45.00	0.00	9,519.00	0.00	2,619.00	137.96
FINES & FORFEITURES	65,000.00	7,200.23	0.00	65,721.44	0.00	721.44	101.11
USE OF MONEY & PROPERTY	26,200.00	255.00	0.00	4,914.97	0.00	21,285.03	18.76
OTHER REVENUES	60,000.00	10,266.29	0.00	47,533.22	0.00	12,466.78	79.22
MISCELLANEOUS	101,000.00	332.00	0.00	5,696.77	0.00	95,303.23	5.64
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	2,248,897.00	101,281.51	0.00	1,993,728.76	0.00	255,168.24	88.65
<u>EXPENDITURE SUMMARY</u>							
<u>ADMINISTRATION</u>							
PERSONNEL SERV. & BENEF.	216,400.00	27,750.53	0.00	218,607.58	0.00	2,207.58	101.02
CONTRACTUAL SERVICES	112,400.00	11,150.67	0.00	137,978.94	6.00	25,584.94	122.76
COMMODITIES	10,500.00	48.20	0.00	7,339.98	0.00	3,160.02	69.90
CAPITAL OUTLAY	18,000.00	3,562.01	0.00	5,138.22	0.00	12,861.78	28.55
OTHER COSTS/MISC.	46,000.00	4,519.84	0.00	12,335.65	0.00	33,664.35	26.82
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ADMINISTRATION	403,300.00	47,031.25	0.00	381,400.37	6.00	21,893.63	94.57
<u>LEGAL & MUNICIPAL COURT</u>							
PERSONNEL SERV. & BENEF.	89,325.00	6,324.91	0.00	55,710.04	0.00	33,614.96	62.37
CONTRACTUAL SERVICES	10,270.00	2,821.02	0.00	16,558.28	5.43	6,293.71	161.28
COMMODITIES	850.00	22.26	0.00	434.50	0.00	415.50	51.12
CAPITAL OUTLAY	0.00	0.00	0.00	169.00	0.00	169.00	0.00
OTHER COSTS/MISC.	20,000.00	0.00	0.00	14,590.29	0.00	5,409.71	72.95
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL LEGAL & MUNICIPAL COURT	120,445.00	9,168.19	0.00	87,462.11	5.43	32,977.46	72.62
<u>COMMUNITY DEVELOPMENT</u>							
PERSONNEL SERV. & BENEF.	51,625.00	5,437.03	0.00	38,509.90	0.00	13,115.10	74.60
CONTRACTUAL SERVICES	32,000.00	1,819.32	0.00	19,888.33	0.00	12,111.67	62.15
COMMODITIES	500.00	27.93	0.00	641.99	0.00	141.99	128.40
CAPITAL OUTLAY	3,000.00	0.00	0.00	1,633.47	0.00	1,366.53	54.45
OTHER COSTS/MISC.	10,000.00	765.66	0.00	765.66	0.00	9,234.34	7.66
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL COMMUNITY DEVELOPMENT	97,125.00	8,049.94	0.00	61,439.35	0.00	35,685.65	63.26

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010-GENERAL FUND
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	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>POLICE</u>							
PERSONNEL SERV. & BENEF.	523,350.00	66,288.89	0.00	474,505.87	0.00	48,844.13	90.67
CONTRACTUAL SERVICES	66,050.00	4,544.17	0.00	50,005.35	38.15	16,006.50	75.77
COMMODITIES	31,000.00	194.00	0.00	22,234.25	0.00	8,765.75	71.72
CAPITAL OUTLAY	48,700.00	663.34	0.00	45,525.92	0.00	3,174.08	93.48
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL POLICE	669,100.00	71,690.40	0.00	592,271.39	38.15	76,790.46	88.52
<u>FIRE</u>							
PERSONNEL SERV. & BENEF.	111,413.00	49,988.56	0.00	128,795.37	0.00	17,382.37	115.60
CONTRACTUAL SERVICES	43,360.00	3,124.13	0.00	34,631.94	0.00	8,728.06	79.87
COMMODITIES	7,400.00	125.75	0.00	4,257.77	0.00	3,142.23	57.54
CAPITAL OUTLAY	17,500.00	2,046.78	0.00	5,786.86	0.00	11,713.14	33.07
OTHER COSTS/MISC.	3,000.00	136.67	0.00	2,867.23	0.00	132.77	95.57
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL FIRE	182,673.00	55,421.89	0.00	176,339.17	0.00	6,333.83	96.53
<u>EMERGENCY COMMUNICATIONS</u>							
PERSONNEL SERV. & BENEF.	144,363.00	15,201.30	0.00	129,476.56	0.00	14,886.44	89.69
CONTRACTUAL SERVICES	20,030.00	1,348.32	0.00	17,245.47	5.42	2,779.11	86.13
COMMODITIES	680.00	0.00	0.00	950.19	0.00	270.19	139.73
CAPITAL OUTLAY	4,500.00	0.00	0.00	3,081.37	0.00	1,418.63	68.47
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EMERGENCY COMMUNICATIONS	169,573.00	16,549.62	0.00	150,753.59	5.42	18,813.99	88.91
<u>STREET</u>							
PERSONNEL SERV. & BENEF.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
COMMODITIES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL STREET	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<u>COMMUNITY BUILDING</u>							
PERSONNEL SERV. & BENEF.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CONTRACTUAL SERVICES	0.00	0.00	0.00	65.00	0.00	65.00	0.00
COMMODITIES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL COMMUNITY BUILDING	0.00	0.00	0.00	65.00	0.00	65.00	0.00

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CITY OF VALLEY CENTER
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010-GENERAL FUND
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	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
PUBLIC WKS STORAGE BLDG							
PERSONNEL SERV. & BENEF.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
COMMODITIES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL PUBLIC WKS STORAGE BLDG	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	2,098,466.00	239,689.51	0.00	1,845,101.52	5,659.79	247,704.69	88.20
** REVENUE OVER(UNDER) EXPENDITURES **	150,431.00	(138,408.00)	0.00	148,627.24	(5,659.79)	7,463.55	95.04
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00		0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES)	150,431.00	(138,408.00)	0.00	148,627.24	(5,659.79)	7,463.55	95.04

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CITY OF VALLEY CENTER
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110-EMPLOYEE BENEFITS
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>							
TAXES	560,625.00	0.00	0.00	542,619.29	0.00	18,005.71	96.79
USE OF MONEY & PROPERTY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER REVENUES	15,000.00	7,722.24	0.00	26,879.96	0.00 (	11,879.96	179.20
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	403.55	0.00 (	403.55	0.00
TOTAL REVENUES	575,625.00	7,722.24	0.00	569,902.80	0.00	5,722.20	99.01
<u>EXPENDITURE SUMMARY</u>							
<u>NON-DEPARTMENTAL</u>							
PERSONNEL SERV. & BENEF.	570,600.00	18,146.67	0.00	561,978.85	0.00	8,621.15	98.49
CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
COMMODITIES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	30,000.00	0.00	0.00	7,662.33	0.00	22,337.67	25.54
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	600,600.00	18,146.67	0.00	569,641.18	0.00	30,958.82	94.85
<u>ADMINISTRATION</u>							
PERSONNEL SERV. & BENEF.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
COMMODITIES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	600,600.00	18,146.67	0.00	569,641.18	0.00	30,958.82	94.85
** REVENUE OVER(UNDER) EXPENDITURES *(	24,975.00)(	10,424.43)	0.00	261.62	0.00 (	25,236.62	1.05-
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES) (24,975.00)(10,424.43)	0.00	261.62	0.00 (25,236.62	1.05-

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CITY OF VALLEY CENTER
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140-LIBRARY
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>							
TAXES	217,850.00	0.00	0.00	211,326.08	0.00	6,523.92	97.01
USE OF MONEY & PROPERTY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	217,850.00	0.00	0.00	211,326.08	0.00	6,523.92	97.01
<u>EXPENDITURE SUMMARY</u>							
<u>NON-DEPARTMENTAL</u>							
OTHER COSTS/MISC.	243,750.00	0.00	0.00	192,895.77	0.00	50,854.23	79.14
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	243,750.00	0.00	0.00	192,895.77	0.00	50,854.23	79.14
<u>ADMINISTRATION</u>							
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	243,750.00	0.00	0.00	192,895.77	0.00	50,854.23	79.14
** REVENUE OVER(UNDER) EXPENDITURES *(	25,900.00)	0.00	0.00	18,430.31	0.00	(44,330.31	71.16-
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES) (25,900.00)	0.00	0.00	18,430.31	0.00	(44,330.31	71.16-

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150-SPECIAL HIGHWAY
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>							
TAXES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
INTERGOVERNMENTAL	742,920.00	57,287.33	0.00	673,210.60	0.00	69,709.40	90.62
USE OF MONEY & PROPERTY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER REVENUES	0.00	0.00	0.00	887.54	0.00 (	887.54	0.00
MISCELLANEOUS	0.00	0.00	0.00	276.24	0.00 (	276.24	0.00
TOTAL REVENUES	742,920.00	57,287.33	0.00	674,374.38	0.00	68,545.62	90.77
<u>EXPENDITURE SUMMARY</u>							
<u>NON-DEPARTMENTAL</u>							
PERSONNEL SERV. & BENEF.	215,200.00	20,110.95	0.00	194,324.42	0.00	20,875.58	90.30
CONTRACTUAL SERVICES	47,100.00	2,648.09	0.00	36,173.23	0.00	10,926.77	76.80
COMMODITIES	75,800.00	4,536.20	0.00	51,528.64	0.00	24,271.36	67.98
CAPITAL OUTLAY	328,500.00	37,035.82	0.00	268,668.47	0.00	59,831.53	81.79
OTHER COSTS/MISC.	66,000.00	0.00	0.00	613.82	0.00	65,386.18	0.93
DEBT SERVICE	10,000.00	0.00	0.00	0.00	0.00	10,000.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	742,600.00	64,331.06	0.00	551,308.58	0.00	191,291.42	74.24
TOTAL EXPENDITURES	742,600.00	64,331.06	0.00	551,308.58	0.00	191,291.42	74.24
** REVENUE OVER(UNDER) EXPENDITURES **	320.00 (	7,043.73)	0.00	123,065.80	0.00 (	122,745.808,	458.06
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00		0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES)	320.00 (7,043.73)	0.00	123,065.80	0.00 (122,745.808,	458.06

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160-EMERGENCY EQUIPMENT
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>							
TAXES	47,610.00	0.00	0.00	46,953.76	0.00	656.24	98.62
OTHER REVENUES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	47,610.00	0.00	0.00	46,953.76	0.00	656.24	98.62
<u>EXPENDITURE SUMMARY</u>							
<u>NON-DEPARTMENTAL</u>							
CAPITAL OUTLAY	47,556.00	0.00	0.00	0.00	0.00	47,556.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	47,556.00	0.00	0.00	0.00	0.00	47,556.00	0.00
TOTAL EXPENDITURES	47,556.00	0.00	0.00	0.00	0.00	47,556.00	0.00
** REVENUE OVER(UNDER) EXPENDITURES **	54.00	0.00	0.00	46,953.76	0.00	46,899.766	951.41
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES)	54.00	0.00	0.00	46,953.76	0.00	46,899.766	951.41

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410-BOND & INTEREST
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>							
TAXES	546,600.00	0.00	0.00	504,892.84	0.00	41,707.16	92.37
USE OF MONEY & PROPERTY	2,500.00	0.00	0.00	546.70	0.00	1,953.30	21.87
OTHER REVENUES	866,200.00	247,699.98	0.00	1,067,406.86	0.00	201,206.86	123.23
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISC TRANSFERS	30,000.00	0.00	0.00	0.00	0.00	30,000.00	0.00
MISC TRANSFERS	186,400.00	0.00	0.00	0.00	0.00	186,400.00	0.00
TOTAL REVENUES	1,631,700.00	247,699.98	0.00	1,572,846.40	0.00	58,853.60	96.39
<u>EXPENDITURE SUMMARY</u>							
<u>NON-DEPARTMENTAL</u>							
CONTRACTUAL SERVICES	5,000.00	0.00	0.00	171.00	0.00	4,829.00	3.42
COMMODITIES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CAPITAL OUTLAY	14,501.00	0.00	0.00	0.00	0.00	14,501.00	0.00
OTHER COSTS/MISC.	140,000.00	0.00	0.00	0.00	0.00	140,000.00	0.00
DEBT SERVICE	1,640,536.00	0.00	0.00	239,113.76	0.00	1,401,422.24	14.58
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	1,800,037.00	0.00	0.00	239,284.76	0.00	1,560,752.24	13.29
<u>ADMINISTRATION</u>							
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	1,800,037.00	0.00	0.00	239,284.76	0.00	1,560,752.24	13.29
** REVENUE OVER(UNDER) EXPENDITURES *(	168,337.00)	247,699.98	0.00	1,333,561.64	0.00	(1,501,898.64	792.20-
OTHER FINANCING SOURCES	186,400.00	0.00	0.00	0.00	0.00	186,400.00	0.00
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	186,400.00	0.00	0.00	0.00	0.00	186,400.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES)	18,063.00	247,699.98	0.00	1,333,561.64	0.00	(1,315,498.647,382.84	

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610-WATER OPERATING
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>							
TAXES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CHARGES FOR SERVICES	1,023,100.00	81,251.00	0.00	981,021.65	0.00	42,078.35	95.89
USE OF MONEY & PROPERTY	3,000.00	0.00	0.00	0.00	0.00	3,000.00	0.00
OTHER REVENUES	0.00	0.00	0.00	290.00	0.00	290.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	4,110.94	0.00	4,110.94	0.00
TOTAL REVENUES	1,026,100.00	81,251.00	0.00	985,422.59	0.00	40,677.41	96.04
<u>EXPENDITURE SUMMARY</u>							
<u>NON-DEPARTMENTAL</u>							
PERSONNEL SERV. & BENEF.	291,500.00	30,379.26	0.00	277,658.21	0.00	13,841.79	95.25
CONTRACTUAL SERVICES	495,010.00	45,011.79	0.00	417,656.05	0.00	77,353.95	84.37
COMMODITIES	41,500.00	1,300.04	0.00	25,557.89	0.00	15,942.11	61.59
CAPITAL OUTLAY	59,000.00	2,351.75	0.00	27,198.53	0.00	31,801.47	46.10
OTHER COSTS/MISC.	299,230.00	14,500.00	0.00	288,745.93	0.00	10,484.07	96.50
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	1,186,240.00	93,542.84	0.00	1,036,816.61	0.00	149,423.39	87.40
<u>ADMINISTRATION</u>							
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	1,186,240.00	93,542.84	0.00	1,036,816.61	0.00	149,423.39	87.40
** REVENUE OVER(UNDER) EXPENDITURES *(	160,140.00)	(12,291.84)	0.00	(51,394.02)	0.00	(108,745.98	32.09
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00

REVENUE & OTHER SOURCES OVER/
 (UNDER) EXPENDITURES & OTHER (USES) (160,140.00)(12,291.84) 0.00 (51,394.02) 0.00 (108,745.98 32.09

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612-STORMWATER UTILITY FUND
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>							
USE OF MONEY & PROPERTY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER REVENUES	69,000.00	2,959.00	0.00	39,742.20	0.00	29,257.80	57.60
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	69,000.00	2,959.00	0.00	39,742.20	0.00	29,257.80	57.60
<u>EXPENDITURE SUMMARY</u>							
<u>NON-DEPARTMENTAL</u>							
PERSONNEL SERV. & BENE.	40,930.00	2,500.00	0.00	2,500.00	0.00	38,430.00	6.11
CONTRACTUAL SERVICES	0.00	1,675.24	0.00	4,489.87	0.00	4,489.87	0.00
COMMODITIES	0.00	0.00	0.00	855.78	0.00	855.78	0.00
CAPITAL OUTLAY	0.00	2,351.75	0.00	2,351.75	0.00	2,351.75	0.00
OTHER COSTS/MISC.	28,000.00	0.00	0.00	0.00	0.00	28,000.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	68,930.00	6,526.99	0.00	10,197.40	0.00	58,732.60	14.79
TOTAL EXPENDITURES	68,930.00	6,526.99	0.00	10,197.40	0.00	58,732.60	14.79
** REVENUE OVER(UNDER) EXPENDITURES **	70.00	(3,567.99)	0.00	29,544.80	0.00	29,474.802,206.86	
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00		0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES)	70.00	(3,567.99)	0.00	29,544.80	0.00	29,474.802,206.86	

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620-SEWER OPERATING
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>							
TAXES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CHARGES FOR SERVICES	730,000.00	70,920.83	0.00	736,495.84	0.00 (	6,495.84	100.89
USE OF MONEY & PROPERTY	2,500.00	0.00	0.00	0.00	0.00	2,500.00	0.00
OTHER REVENUES	3,500.00	0.00	0.00	2,950.00	0.00	550.00	84.29
MISCELLANEOUS	0.00	0.00	0.00	1,737.99	0.00 (	1,737.99	0.00
TOTAL REVENUES	736,000.00	70,920.83	0.00	741,183.83	0.00 (	5,183.83	100.70
<u>EXPENDITURE SUMMARY</u>							
<u>NON-DEPARTMENTAL</u>							
PERSONNEL SERV. & BENEF.	231,638.00	18,184.41	0.00	157,815.54	0.00	73,822.46	68.13
CONTRACTUAL SERVICES	300,190.00	15,829.88	0.00	187,064.82	1,500.00	111,625.18	62.82
COMMODITIES	28,200.00	984.78	0.00	11,027.68	0.00	17,172.32	39.11
CAPITAL OUTLAY	19,000.00	2,351.75	0.00	5,876.30	0.00	13,123.70	30.93
OTHER COSTS/MISC.	466,790.00	14,500.00	0.00	241,782.43	0.00	225,007.57	51.80
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL NON-DEPARTMENTAL	1,045,818.00	51,850.82	0.00	603,566.77	1,500.00	440,751.23	57.86
<u>ADMINISTRATION</u>							
CAPITAL OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER COSTS/MISC.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	1,045,818.00	51,850.82	0.00	603,566.77	1,500.00	440,751.23	57.86
** REVENUE OVER(UNDER) EXPENDITURES *(	309,818.00)	19,070.01	0.00	137,617.06 (	1,500.00)(	445,935.06	43.93-
OTHER FINANCING (USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET OTHER SOURCES/(USES)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
REVENUE & OTHER SOURCES OVER/ (UNDER) EXPENDITURES & OTHER (USES) (	309,818.00)	19,070.01	0.00	137,617.06 (	1,500.00)(	445,935.06	43.93-

CONSENT AGENDA

A. RPROPOSED 2011 AGREEMENT WITH FOSTER and ASSOCIATES:



FOSTER & ASSOCIATES - PLANNING CONSULTANTS

2818 N. EDWARDS STREET • WICHITA, KS 67204-4621 • PHONE 316/838-7563 • FAX 316/838-7708

C. BICKLEY FOSTER, J.D., FAICP

AGREEMENT

THIS AGREEMENT becomes effective on January 1, 2011 by and between the City of Valley Center, Kansas, hereinafter called the "City" and Foster & Associates, Planning Consultants of Wichita, Kansas, hereinafter called the "Consultant."

WITNESSETH THAT:

WHEREAS, the City desires to engage the Consultant to render certain services, hereinafter described, to supplement the work of the City's staff in providing the Valley Center City Planning Commission, hereinafter called the "Commission," with various planning advisory services on an assignment basis related to their Comprehensive Plan, Zoning and Subdivision Regulations and other planning and regulatory matters; and

WHEREAS, the Consultant is ready and willing to provide such services for the City as called for in this Agreement;

NOW THEREFORE, the parties hereto do mutually agree as follows:

1. Employment of Consultant. The City hereby agrees to engage the Consultant and the Consultant agrees to perform the services hereinafter set forth in the Scope of Services.
2. Scope of Services. The Consultant shall perform and carry out in a satisfactory manner the Scope of Services described in Appendix A which is a part of this Agreement.
3. Personnel. The professional planning services required herein will be performed by C. Bickley Foster, Project Planner, acting for the Consultant and by other qualified persons under his supervision selected by the Consultant as associates including personnel from Rice Foster Associates, P.A., Landscape Architects Planners of Wichita, Kansas when specifically approved by the City.
4. Time of Performance. The services of the Consultant will be performed during the period from the effective date of this Agreement until December 31, 2011. Due to the cooperative nature of this Agreement, it is understood that no specific completion date can be established for each individual work item. A schedule for completion of specific work items assigned within the Scope of Services will be agreed upon cooperatively between the Consultant and the Commission in joint periodic communications so that the services may proceed without undue delay.
5. Compensation. Upon faithful performance of the professional services rendered based on specific assignment of work items, the City shall periodically receive a statement from the Consultant for work completed based on the charges

described in this section. The total compensation of such statements during the time of performance shall not exceed \$ 5000⁰⁰. Services of the Project Planner rendered when assigned will be charged at the rate of \$76.57 per hour. Associate Planner services will be charged at the rate of \$58.38 per hour, Planning Technician services at \$43.46 per hour and Secretary services including use of computer at \$36.16 per hour. Direct and indirect overhead expenses are included in the per hour personnel charges. All reproduction of maps and printing of written materials will be charged at direct cost plus handling charges. Evening meetings will be billed on the basis of \$207.00 per meeting which includes travel time. Travel expenses will be calculated at the rate of the IRS standard for mileage in 2011. If personnel from Rice Foster Associates are authorized by the City for a specific assignment, current fees of their firm will require prior approval by the City.

6. **Method of Payment.** The Consultant will provide the City periodically with a statement for services rendered during the Agreement period. Such statement shall briefly describe the nature of the services performed and the amount of payment shall be based on the method of compensation as agreed to in Section 5 above. The City agrees to pay the Consultant within thirty (30) days after receipt of the statement.

7. **Termination of Agreement for Cause.** If the Consultant shall fail to fulfill in a timely and proper manner his obligations under this Agreement or if the Consultant shall violate any of the provisions or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement by giving written notice to the Consultant of such termination and specifying the effective date thereof at least fifteen (15) days prior to the effective date of such termination. In such event all finished or unfinished documents or data assembled or prepared by the Consultant under this Agreement shall become the City's property and the Consultant shall be proportionally and reasonably compensated for services which were performed satisfactorily prior to the effective date of termination.

Notwithstanding the above, the Consultant shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of the Agreement by the Consultant, and the City may withhold any payments due the Consultant for the purpose of setoff until such time as the exact amount of damages due the City from the Consultant is determined. The Consultant shall not be liable to the City for damages if his failure to perform the Agreement arises out of causes beyond the control or without the fault or negligence of the Consultant.

8. **Equal Employment Opportunity.** There shall be no discrimination against any personnel employed in the work covered by this Agreement or against any applicant for such employment because of race, color, religion, age, sex, national origin or ancestry.

9. **Interest of Consultant.** The Consultant covenants that he presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement. The Consultant further covenants that in the performance of this Agreement no person having any such interest shall be employed.

10. Assignability. The Consultant shall not assign any interest in this Agreement and shall not transfer any interest in same without the prior consent of the City thereto.

11. Findings Confidential. Any reports, information, maps, etc., given to or prepared or assembled by the Consultant under this Agreement which the City requests to be kept confidential shall not be made available to any individual or organization by the Consultant without prior approval of the City.

12. Copyright. No reports, maps or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the Consultant, except that prototype zoning and subdivision regulations and the accompanying Administrative Forms provided are a proprietary product of Foster & Associates, Planning Consultants, produced under contract solely for the use of the client named herein and any reproduction in any form or by any means, mechanical or electronic, by another party is prohibited without prior agreement and written permission from the consultants.

13. Changes. If the City requires changes in the Scope of Services of the Consultant to be performed hereunder, such changes, including any increase or decrease in the amount of the Consultant's compensation which are mutually agreed upon by and between the City and the Consultant, shall be incorporated in written amendments to this Agreement.

IN WITNESS THEREOF the City and the Consultant have executed this Agreement as of _____, 2010.

FOSTER & ASSOCIATES

CITY OF VALLEY CENTER, KANSAS

By C. Bickley Foster
C. Bickley Foster, J.D., FAICP
11/12/10

By _____
Michael D. McNow, Mayor

ATTEST:

By _____
Kristine Polian, City Clerk

APPENDIX A

This is part of an Agreement between the City and the Consultant.

SECTION A -- SERVICES TO BE PROVIDED BY THE CITY

1. Reports, studies, ordinances, maps and other data related to the current assigned project will be made available to the Consultant, if needed.
2. Copies of materials in preparation for meetings such as agendas, minutes, reports, etc., will be distributed to the Consultant.
3. Local telephone service and work space will be made available to the Consultant periodically in the City, if needed, to facilitate the work.
4. Personnel of the City including the City Attorney will be periodically available to the Consultant for mutual consultation on the assigned projects.

SECTION B -- SCOPE OF SERVICES

The following work items on an assignment basis will be undertaken by the Consultant and coordinated with the Planning Commission through the Chairperson or his or her assigned staff liaison person:

1. The Consultant will undertake specific work assignments to assist the Planning Commission on projects related to revising, amending or preparing Comprehensive Plans, Zoning or Subdivision Regulations and other planning or regulatory matters which may involve the compiling of research data; the writing of reports, studies, ordinances, regulations or grant applications; and the drafting of land use designs, base mapping or map revisions.
2. The Consultant will attend specific meetings of the Planning Commission or other groups, as requested, to present information and/or serve in a resource advisory capacity.
3. The Consultant will be available to verbally respond to inquiries of a planning or regulatory nature, especially those relating to the administration, enforcement and revision of zoning and subdivision and other regulations. To provide this service, the Consultant will maintain a reference file of information of the City.
4. The Consultant will periodically distribute to City officials planning literature, legislative amendments, grant information and other materials related to the City's planning and regulatory efforts.
5. The Consultant when requested will provide selected audio visual materials and various training aids in order to conduct training sessions for local officials and their staff on planning matters and the administration of zoning and subdivision regulations.

STAFF REPORTS

A. City Clerk Polian

B. Chief of Police Hephner

C. Fire Chief Tormey

D. Community Development Officer Miller

E. City Superintendent Dunn

F. Environmental Services Officer Plant

G. Parks & Public Buildings Superintendent Owings

H. City Engineer Kelsey

I. City Attorney Arbuckle

J. City Administrator Pile

GOVERNING BODY REPORTS

- A. Mayor McNown**
- B. Councilmember K. Jackson**
- C. Councilmember Maschino**
- D. Councilmember Nordstedt**
- E. Councilmember Campbell**
- F. Councilmember Cicirello**
- G. Councilmember Gerling**
- H. Councilmember Hobson**
- I. Councilmember L. Jackson**

ADJOURN